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ABSTRACT

Within this supplementary teaching unit, students investigate primary source documents to evaluate federal government policy regarding the transition of some four million African Americans from slavery to freedom at the conclusion of the Civil War. Lessons in the unit examine the political debate over the establishment of the Freedmen's Bureau, its goals, the problems encountered in pursuing stated goals, and an evaluation of its effectiveness. Noting that this paternalistic role assumed by the first federal welfare agency is not given much attention in textbooks, the unit discusses the debate over the depth of government involvement in the lives of freed persons and the politicians' feelings that the government should shoulder a broad responsibility to remodel Southern society and instigate a new racial order. The teaching unit is based on primary sources taken from federal legislation, bureau records, land regulations, labor contracts, letters, artifacts, journals, diaries, newspapers, and literature from the period under study. Students are actively involved in a military hearing using evidence culled from official transcripts. Within this unit are: (1) unit objectives; (2) correlation to the National History Standards; (3) teacher background materials (which provide an overview of the entire unit); (4) lesson plans (which include a variety of ideas and approaches); and (5) student resources. Contains a 17-item selected bibliography. (BT)

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THE FREEDMEN'S BUREAU: CATALYST FOR FREEDOM?

A Unit of Study for Grades 8–12

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Cover Illustration: The Freedmen's Bureau, *Harper's Weekly*, July 25, 1868.

"The Freedmen's Bureau"
Harper's Weekly, July 25, 1868

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Introduction

I. Approach and Rationale

The National Center for History in the Schools (NCHS) has developed the following collection of lessons for teaching with primary sources. This adds to more than forty teaching units that are the fruit of a collaboration between history professors and experienced teachers of United States and World history. They represent specific episodes in history from which you and your students can pause to delve into the deeper meanings of these selected landmark events and explore their wider context in the great historical narrative.

By studying a crucial episode in history the student becomes aware that choices had to be made by real human beings, that those decisions were the result of specific factors, and that they set in motion a series of historical consequences. We have selected dramatic moments that bring alive that decision-making process. We hope that through this approach, your students will realize that history is an ongoing, open-ended process, and that the decisions they make today create the conditions of tomorrow's history.

NCHS teaching units are based on primary sources, taken from documents, artifacts, journals, diaries, newspapers and literature from the period under study. What we hope to achieve using primary source documents in these lessons is to remove the distance that students feel from historical events and to connect them more intimately with the past. In this way we hope to recreate for your students a sense of "being there," a feeling of seeing history through the eyes of the very people who were making decisions. This will help your students develop historical empathy, to realize that history is not an impersonal process divorced from real people like themselves. At the same time, by analyzing primary sources, students will actually practice the historian's craft, discovering for themselves how to analyze evidence, establish a valid interpretation and construct a coherent narrative in which all the relevant factors play a part.

II. Content and Organization

Within this unit, you will find: 1) Unit Objectives, 2) Correlation to the National History Standards, 3) Teacher Background Materials, 4) Lesson Plans, and 5) Student Resources. This unit, as we have said above, focuses on certain key moments in time and should be used as a supplement to your customary course materials. Although these lessons are recommended for grades 8–12, the readings will need to be adapted for effective use by eighth grade students.

The teacher background section should provide you with a good overview of the entire unit and with the historical information and context necessary to link the specific "dramatic moment" to the larger historical narrative. You may consult it for your own use, and you may choose to share it with students if they are of a sufficient grade level to understand the materials.

Introduction

The lesson plans include a variety of ideas and approaches for the teacher which can be elaborated upon or cut as you see the need. These lesson plans contain student resources which accompany each lesson. The resources consist of primary source documents, any handouts or student background materials, and a bibliography.

In our series of teaching units, each collection can be taught in several ways. You can teach all of the lessons offered on any given topic, or you can select and adapt the ones that best support your particular course needs. We have not attempted to be comprehensive or prescriptive in our offerings, but rather to give you an array of enticing possibilities for in-depth study, at varying grade levels. We hope that you will find the lesson plans exciting and stimulating for your classes. We also hope that your students will never again see history as a boring sweep of inevitable facts and meaningless dates but rather as an endless treasure of real life stories, and an exercise in analysis and reconstruction.

"The First Vote"
Harper's Weekly, November 16, 1867

Teacher Background Materials

I. Unit Overview

The Thirteenth Amendment to the United States Constitution, abolishing slavery, freed four million slaves, but did nothing to insure their status as citizens. The Civil War and the South's defeat had economic and social leveling effects upon the entire southern population. Following battlefield victories, Union armies occupied vast regions of southern terrain. Upon the Appomattox surrender, Confederate and state political control collapsed for the most part, leaving the Union military commanders in charge. What was to become of the newly freed slaves was the question forming in the minds of many northerners and Washington politicians.

By studying the nature of political, economic, and social developments immediately after the Civil War, students can gain an understanding of contemporary life. While the Fourteenth Amendment assured citizenship and the Fifteenth Amendment insured voting privileges for the freedmen in the 1870s, African Americans were relegated to second-class citizenship by the turn of the twentieth century through infamous Jim Crow legislation. Rebuilding the South provided many economic opportunities for northerners while most southerners continued laboring at tilling the soil. Inclusion of citizens' rights into the law did not guarantee them for freed slaves.

How involved should the federal government become in laying the groundwork for the transition from slavery to freedom for four million African Americans? Was there a federal moral obligation to help African Americans? The debate over the depth of government involvement in the lives of freed persons existed throughout most of the war, heating up after President Abraham Lincoln issued the Emancipation Proclamation. Within a month prior to the Appomattox surrender, congressional Republicans created the Bureau of Refugees, Freedmen and Abandoned Lands, later shortened to simply Freedmen's Bureau. These politicians obviously felt that the federal government should shoulder a broad responsibility to remodel southern society and instigate a new racial order. Implicit in the full title of the Freedmen's Bureau was a promise that abandoned lands would be rented or sold cheaply for settlement of refugees.

This paternalistic role assumed by the first federal welfare agency generally gets a page or less in most textbooks. Rarely, if ever, are the voices of freed persons heard; nor is the Bureau fully examined within the context of the Congressional Radical Reconstruction laws. The use of primary source material can illuminate the impact and significance of the Bureau within the broader context of Reconstruction and American history by helping students to understand the attitudes of diverse people in the postbellum South.

II. Unit Context

These lessons, while largely focusing on Virginia, provide insight into the political, economic and social development throughout the postbellum South. Through an analysis of these documents, students should be able to empathize with the personal experiences resulting from Reconstruction legislation, thereby allowing them a greater understanding of later crucial developments. This unit should be used after a study of the Civil War.

III. Correlation to National History Standards

The Freedmen's Bureau: Catalyst for Freedom? offers teachers opportunities to use primary sources in examining political, economic, and social aspects of Reconstruction. The unit provides teaching materials that specifically address Standard 3 of Era 5, Civil War and Reconstruction, *National Standards for United States History, Basic Edition* (Los Angeles, National Center for History in the Schools, 1996). Students investigate federal policies regarding abandoned lands, the conflict between the executive and legislative branches, varying activities of the Freedmen's Bureau, and conclude with an evaluation of the goals and accomplishments of the agency.

The unit requires students to engage in historical thinking; to raise questions and to marshal evidence in support of their answers; to go beyond the facts presented in textbooks and examine the historical record for themselves. Students analyze cause-and-effect relationships, interrogate historical data by uncovering the social and political context in which it was created, and compare and contrast different sets of ideas and values. The documents presented in this unit help students to better appreciate historical perspectives by describing the past on its own terms through the eyes and experiences of those who were there. The unit challenges students to compare competing historical narratives and to hold interpretations of history as tentative, subject to change as new information is uncovered and new voices heard.

IV. Unit Objectives

1. To identify the essential points of the law which created the Freedmen's Bureau.

2. To analyze documents in order to identify conflicting viewpoints about limited government, the sanctity of private property, white supremacy, and the expectation of self-help for freed persons.

3. To explain changes in attitude among former slaveholders, slaves, and military personnel.

4. To examine the changing role of the military in command of the Freedmen's Bureau in carrying out the laws of Presidential and Congressional Reconstruction.

5. To compare and contrast realities with ideals through the study of different types of documents.

6. To evaluate the effectiveness and success of the Freedmen's Bureau in transforming postbellum southern society.

V. Lesson Plans

1. Establishing the Freedmen's Bureau

2. From Slavery to Free Labor

3. Education for All

4. Evaluating the Bureau

Interior of a Freedmen's Bureau School
Library of Congress

Introduction to the Freedmen's Bureau

From the day President Abraham Lincoln issued the Emancipation Proclamation, it was clear that a massive effort would be required for four million black Americans to make a successful transition to freedom. The surrender of the Confederacy at Appomattox on April 9, 1865 ensured their legal freedom, but it by no means guaranteed equality, economic opportunity, or even physical security. Like earlier slaveholding nations abolishing chattel bondage, the United States faced an immense task, especially because southern whites were determined, even in defeat, to regain control of both their land and their labor force.

With the awesome obstacles that might block a true emancipation of slaves, the War Department in 1863 appointed Samuel Gridley Howe, James McKaye and Robert Dale Owen to become the American Freedmen's Inquiry Commission. They were to study the circumstances of newly emancipated slaves and suggest ways to deal with issues. The three members of the commission set out on a fact-finding mission visiting parts of the South under Union occupation. Upon their return they recommended the creation of a temporary bureau to provide a benevolent guardianship for freed persons to help them become self-reliant. The commission stressed civil and political equality, but only McKay urged land redistribution. In March 1865, after two years of congressional bickering, both houses agreed to establish the Bureau of Refugees, Freedmen and Abandoned Lands for one year. The Freedmen's Bureau was mandated to distribute clothing, food and fuel to all destitute southern black and white people while overseeing their direst conditions. The Bureau was entirely dependent upon the War Department for leadership, personnel and funding.

Initially, the Bureau was authorized it to divide abandoned and confiscated land into forty-acre plots for rental to freed persons and loyal refugees with the expectation of eventual sale.[1] As more and more land came under Union control, multitudes of slaves left plantations and flocked to Union encampments. In order to rid himself of impoverished blacks following his army through Georgia and South Carolina, General William T. Sherman, in January, 1865, issued a special order setting aside certain abandoned lands there for temporary occupation. Once General Godfrey Weitzel occupied the Confederate capital of Richmond, similar expectations arose in Virginia. Concurrently, President Lincoln vacillated on proposing a coherent program for southern reconstruction. Only a few radical politicians seemed ready to define what freedom really meant for former slaves. Most politicians recognized the war's conclusion left the black question unresolved. Upon Lincoln's assassination, his successor, Andrew Johnson, stepped into this unresolved situation.

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[1] Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper and Row, 1988), p. 69.

Meanwhile, based upon a positive exposure to Major-General Oliver Otis Howard several months earlier as they toured the South Carolina Sea Islands, Secretary of War Edwin M. Stanton recommended that the 34-year-old Howard be commissioned to head the Freedmen's Bureau. Howard, a known evangelical Christian humanitarian, showed a sincere concern about the welfare of freed persons. A West Point graduate, he possessed sufficient administrative field experience to direct the Bureau. As a Maine native, he personally knew many leaders of the New England benevolent societies involved in southern relief work. Howard's loss of an arm in combat and his calming personality befitted one who would serve as intermediary seeking cooperation between compassionate volunteers and army officers. Congress agreed and, upon presidential request, made the appointment.

Before Howard was able to get his organization into total operation, President Johnson countermanded the Bureau's power to rent confiscated lands with numerous presidential pardons of former Confederates. Included in the pardons was the promise of property restoration. Howard's attempt to circumvent land restoration was rescinded by a White House policy spelled out in Circular #15. All land *had* to be returned to pardoned owners unless already sold through court decree. This reversal of the land policy immediately placed Howard and the Bureau in a precarious position. Johnson later vetoed the 1866 congressional bill to extend the Bureau's longevity. Despite the veto, Congress mustered the votes to override it. With the passage of Black Codes throughout the South, Congress passed the Civil Rights Bill of 1866 to thwart southern lawmakers attempts to restrict freed persons' activities. Again, Congress had to override a presidential veto. These two battles laid the foundation for the ensuing struggle between the executive and legislative bodies of government over the control of reconstruction.

The new Bureau bill redefined its administrative structure, geographical jurisdiction, and functions relating to relief, abandoned lands, asylums, civil rights and schools. The Bureau was to a temporary agency designed to assist freed persons develop self-reliance, learn how to operate within the state legal system, and then pull out. Even the Bureau's strongest supporters considered an abbreviated life necessary. This was no small order given military downsizing and the limited funds allotted through the War Department's miserly budget. Nevertheless, where cases of obvious discrimination occurred during its tenure, the Bureau was empowered to protect freed persons's civil rights in a military court consisting of Bureau officers and agents and held the power to impose punishment by fine, imprisonment or both.

President Johnson's confrontations with Congress set the stage for Congressional Republicans to split from Executive Reconstruction. Johnson was adamant that southern representatives be included in establishing plans for their states especially for their reentry into the union while key congressmen were unwilling to sit down with former combatants

to plan what they felt would become legal ensnarement of freed persons. Immediately the Joint Committee on Reconstruction began to brainstorm a new constitutional amendment to insure that equity of civil rights for all Americans would be protected from presidential veto or political whim.

The issue of population apportionment was intertwined with these discussions. With an eye on the November 1866 mid-term elections, the Joint Committee somehow wished to control population figures in the South, insure a Republican congressional majority and protect freed persons's civil rights. Thus, over much of spring, the Committee hammered out the details of what became the Fourteenth Amendment. Approval of this amendment became a prerequisite for southern states to reenter the union. Due to the amendment's section disavowing all suffrage for former Confederate officers, only the state of Tennessee willingly agreed to accept it and was readmitted. The other ten, in refusing to invalidate their former military's suffrage while insuring suffrage for freedmen, set themselves up for the ultimate passage of the Reconstruction Acts of 1867.

Over the summer, Republican congressional candidates ran in opposition to President Johnson over the rudimental issue of freedmen's suffrage. Johnson's opposition and individual differences among Republican candidates regarding the suffrage issue made for flammable political rhetoric. In July, the president acting through a friend, sought to have Frederick Douglass appointed as head of the Freedmen's Bureau possibly as a political ploy to temper congressional opposition to the administration. Douglass, critical of the president's stance on black suffrage and reconstruction policies in general, refused. Many northerners concluded, as did Douglass, that former southern military commanders deserved to lose their franchise while black men should become entitled. The November election was a Republican landslide resulting in a seemingly personal disclaimer for Johnson. Shortly thereafter when the second session of the Thirty-Ninth Congress convened, the Republican leadership crowed about their preponderance of public support.

General Howard, meanwhile, continued to plod along attempting to provide a semblance of stability for southerners through the actions of his Bureau agents in spite of the perilous middleman position in which the Congress and Johnson had placed him. As numerous incidents illustrating disregard for freed persons's rights filtered back to Washington, Congress began to hold public hearings involving many subpoenaed Bureau military commanders. Glaring violations of freed persons's civil rights seemed to be occurring regularly. The discovery of questionable legitimacy of local governments coupled with the arrogance of politicians in the ten states refusing approval of the Fourteenth Amendment moved many moderates in Congress to embrace more radical ideas for reconstruction.

The immediate need of a stronger, consistent reconstruction policy drove the Joint Committee to work feverishly to complete a bill by March 1867. While the Joint Committee sought military control to establish law and order, radicals pushed for stricter readmission conditions including black suffrage. They both got what they wanted in the Reconstruction Act of 1867. Overriding Johnson's veto, the legislation became effective March 3. The remaining ten former Confederate states were divided into five military districts under major generals empowered to keep the peace. Specific steps were spelled out for state reentry. New state governments had to write constitutions to include manhood suffrage and ratification of the Fourteenth Amendment. A majority of registered voters had to approve these constitutions through statewide referendums. Upon congressional adoption of the Fifteenth Amendment assuring manhood suffrage, it too had to be ratified and written into state constitutions.

Congress naively assumed that once the black population received equity at the polls, could hold public office and obtained the protection of state governments and courts through the new Reconstruction policy, the work of the federal government would be complete. Additionally, the assumption that the white population would automatically accept blacks as equals proved preposterous. Instead, many whites organized highly effective intimidation efforts which often became violent leading to counter-violence. White recalcitrance and countercommands from congressional leaders and President Johnson throughout 1866, raised the frustration level of agents as they reached their nadir of influence in 1867. When the Bureau was basically phased out of existence on January 1, 1869, the total naivete of faulty congressional assumptions finally surfaced to the detriment of all southerners.

Token agents remained in the five military districts to oversee the progression of their educational work and the payment of black veterans' bounties until the final days of Congressional Reconstruction. Once the results of the controversial 1876 election were finalized, this weakest phase of Freedmen's Bureau action was concluded. The promise of total freedom for all southerners, therefore, lay down the long road into the future awaiting establishment by other generations.

Dramatic Moment

I Will Indeed be Your Moses

During the 1864 campaign Andrew Johnson, military governor of Tennessee and vice presidential candidate, faced constant attacks as an "advocate of racial equality." On October 24, a large number of freed men marched in a torchlight parade to the capitol in Nashville to show their support for Governor Johnson. Johnson's remarks to the crowd were interrupted by enthusiastic shouts of support.

Governor Johnson: "Looking at this vast crowd of colored people and reflecting through what a storm of persecution and obloquy they are compelled to pass, I am almost induced to wish that, as in the days of old, a Moses might arise who should lead them safely to their promised land of freedom and happiness."

"You are our Moses," shouted several voices and the exclamation was caught up and cheered. . .

Johnson: "God no doubt has prepared somewhere an instrument for the great work He designs to perform in behalf of the outraged people, and in due time your leader will come forth, your Moses will be revealed to you."

"We want no Moses but you!" again shouted the crowd. Johnson: "Well, then, humble and unworthy as I am, if no other better shall be found, I will indeed by your Moses, and lead you through the Red Sea of war and bondage to a fairer future of liberty and peace. I speak now as one who feels the world his country, and all who love equal rights his friend. . . ."[2]

* * * * * *

On July 31, 1867, Frederick Douglass received a letter embossed with the letterhead "Executive Mansion" from William Slade, a personal friend of the president, offering to secure his appointment as head of the Freedmen's Bureau. In his response, Douglass declined but stated:

. . . Should President Johnson place a colored man at the head of the Bureau, it would more than all other acts of his demonstrate his purpose of being the Moses of the colored man in the United States.[3]

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[2] Leroy P. Graf (ed.),*The Papers of Andrew Johnson*, Vol. 7 - 1864-1865 (Knoxville: University of Tennessee Press, 1986), 251-53.

[3]Philip S. Foner, ed., *The Life and Writings of Frederick Douglass* (New York: International Publishers, 1955), 205.

LESSON ONE: ESTABLISHING THE FREEDMEN'S BUREAU

A. OBJECTIVES

1 To understand congressional legislation establishing the Freedmen's Bureau and the rationale behind its adoption.

2 To examine the limits placed on freed persons in the post-war South.

3 To comprehend the difficulties Bureau agents encountered attempting to uphold laws.

4 To examine the meaning of citizenship

B. LESSON ACTIVITIES (These activities will take 3-4 days)

Within the context of the Civil War's conclusion, set the stage for the establishment of the Freedmen's Bureau. Post the time line of selected events during Reconstruction (pp. 14–16) in the classroom or distribute copies for students to use throughout the unit. Have all students read "An Act to Establish a Bureau for the Relief of Freedmen and Refugees" (**Document A**). Use the following questions as a guide:

1. Who is in charge of the Bureau?
2. Under whose auspices does it fall?
3. What specific details does it address?
4. What is to happen to abandoned land?

Distribute copies of the "Bureau Circular" (**Document B**) and explain the function and responsibility of members of the agency. Ask students to examine the general tone of Captain Brown's circular. Use the following questions as a discussion guide:

1. What are the responsibilities of Bureau officials?
2. What guidance is given to freed persons in making work contracts?
3. What punishments may be handed out for failure to work?
4. What restrictions are placed on freed persons?

After a discussion of the legislation establishing the Freedmen's Bureau and the circular explaining how the Bureau is to proceed, have students read excerpts from Carl Schurz's report on the conditions of freed persons in the South (**Document C**). Based on the report, what action would you advise President Johnson to take regarding reconstruction? Read an account of Johnson's reconstruction policy in your U.S. history textbook. To what extent did his position encourage the Republican Congress to adopted a policy calling for the division of the South into military districts?

Explain to students that such examples of violence against freed persons as described in Schurz's report grew as whites tried to maintain their control. Have students read "An Act to protect all Persons in the United States in their Civil Rights . . ." (**Document D**). Conduct a general discussion focusing on the following questions:

1. Who are American citizens?
2. What are the rights and obligations of citizens?
3. Who has jurisdiction over offenses and violations of this law?
4. What role might the Freedmen's Bureau play in upholding this law?

Following this discussion, arrange the classroom as a military hearing room. Explain to students that they will roleplay an actual military hearing to illustrate the tenuousness of the Bureau's enforcement powers. Provide all students with copies of "The Watson Case" (**Document E**). Ask them to read and determine the facts after assigning the following roles:

Dr. James L. Watson (accused)
Robert J. Echols (neighbor)
Lewis P. Loudon (Echols' stepson)
Philip Carter (eyewitness)
David Carter (nearby witness)
Captain Garrick Mallery (Bureau Inspector)
Nancy Jane Childress (seamstress)
Fanny Watson (wife)
Sarah Watson (daughter)
Adam Hickman (houseowner near accident)
Oler Cole (Watson driver)
Edward Peck (witness to Watson's nearsightedness)
James Lyons (Watson's attorney)
Major General J.M. Schofield (Military Commander
Brevet Major C. Rodney Layton (Judge Advocate)
Williams (recorder of trial)

Commissioners to hear charges:
1. Brevet Brigadier General R.S. Granger
2. Brevet Brigadier General Thomas H. Neill
3. Colonel O.B. Wilcox
4. Brevet Lt. Colonel F.M. Cooley
5. Brevet Lt. Colonel George II. Higbee
6. Brevet Major Thomas S. Dunn
7. Brevet Major W. G. Edgerton
8. Brevet Major H. R. Putnam
9. Brevet Major J. M. Goodhue
10. Brevet Captain Richard Robins
11. Brevet Captain E. S. Huntington
12. 1st Lieutenant E. B. Knox
13. 1st Lieutenant W. N. Sage

After allowing time to read the document tell students to align themselves into groups as commissioners, defendant and U.S. Government authorities to organize a military hearing. (NOTE: The number of commissioners should fit class size. Allow students improvisation rights to carry out role assignments.)

Upon conclusion of arguments and testimony from both sides, permit commissioners to deliberate and pronounce their decision. Then explain what actually happened. Four days after the Milligan opinion was delivered by the Supreme Court and on the advice of his Attorney General, President Andrew Johnson directed that Dr. Watson be discharged. (Note: See a summary of the Milligan case in the box below.) Acting Assistant Adjutant General Orlando Brown of the Freedmen's Bureau carried out this order.

> *Ex Parte Milligan* (1866): In late 1864, United States army officials in Indiana arrested Lambdin Milligan and several other prominent antiwar Democrats. They were accused of conspiracy to seize munitions at federal arsenals and of planning to free Confederate prisoners-of-war held in northern prison camps. Since Indiana was not in a war zone the defendants could have been tried in federal court for treason. However, army officials suspicious of Indiana juries, brought the defendants before a military commission. The military tribunal found Milligan and two others guilty and sentenced them to death. Milligan challenged the conviction in the United States Circuit Court in Indianapolis and eventually the case was brought before the United States Supreme Court. In 1866 the Court ruled that the military tribunal lacked jurisdiction and ordered the release of Milligan and the other two prisoners.

Ask students: What message can you deduce was sent by the President's action to the Freedmen's Bureau? to Southerners? to Congress?

Have all students read "An Act to provide for more efficient Government in the Rebel States" and "Supplementary Act . . ." (**Documents F** and **G**). Ask students:

1. What are the specific provisions of each law?
2. Relating these acts to the Watson case, how were these acts trying to protect the civil rights of African Americans?
3. How do these acts reenforce the Fourteenth Amendment?
   (NOTE: It may be necessary to review the Fourteenth Amendment in the United States Constitution.)
4. What part(s) of these acts would white southerners find most objectionable?

When students finish reading, have them list the laws' provisions and put them on the chalkboard. Then hold a general discussion revolving around citizenship and civil rights. Stimulate students to analyze the role these laws were suppose to take in protecting the rights of freed persons.

Reconstruction Time Line of Selected Events

1863

- Emancipation Proclamation goes into effect
- Freedmen's Inquiry Commission investigates conditions of southern blacks and makes recommendations.
- President Abraham Lincoln issues Proclamation of Amnesty and Reconstruction (establishing process to readmit states if Confederates accept emancipation and take oath of allegiance)

1864

- Senate approves a constitutional amendment to prohibit slavery; House rejects the proposed amendment
- Lincoln reelects president on the Union Party Ticket with Andrew Johnson, Tennessee Democrat, as vice president

1865

- House approval of constitutional amendment abolishing slavery and the Thirteenth Amendment is submitted to the states for ratification
- General William T. Sherman issues Order No. 15 setting aside land for freed slaves in coastal South Carolina, Georgia, and Florida
- Bureau of Refugees, Freedmen and Abandoned Lands established.
- General Oliver Otis Howard commissioned to head the Freedmen's Bureau by act of Congress
- General Robert E. Lee surrenders at Appomattox.
- President Lincoln assassinated
- General Howard's Circular No. 13 orders abandoned lands to be under agents' control
- General Howard's Circular rescinded under orders from President Andrew Johnson
- Thirteenth Amendment to the United States Constitution ratified
- General Carl Schurz's Report on the Condition of the South submitted to the 39th Congress' Joint Committee on Reconstruction

1866

- Passage of second Freedmen's Bureau Act and a Civil Rights Act over President Johnson's vetoes (Supreme Court declared the Civil Rights unconstitutional in 1883)
- Fourteenth Amendment passes Congress and submitted to the states for approval
- Tennessee ratifies the Fourteenth Amendment as is readmitted to the Union

1867

- Congressional/Military Reconstruction begins dividing the South into five military districts

1868

- Constitutional conventions organized in the Southern states as a prerequisite for readmission into the Union
- President Johnson impeached by the House of Representatives; Senate fails to remove the president from office (35 for, 19 against—one vote short of the two-thirds needed for removal)
- Seven former Confederate states readmitted by Congress (Arkansas, Alabama, Florida, Georgia, Louisiana, North Carolina, South Carolina; military rule restored in Georgia after Blacks are expelled from the state legislature)
- Fourteenth Amendment ratified
- Ulysses S. Grant elected President
- Supreme Court issues *Ex Parte Milligan* decision

1869

- Freedmen's Bureau officially closed except for skeleton operations (schools and military bounties)
- Fifteenth Amendment passed by Congress and submitted to the states for approval

1870

- Fifteenth Amendment ratified
- Mississippi, Texas, Virginia, and Georgia readmitted

1872

- Amnesty Act passed (disabilities for all but the most prominent Confederates removed)
- Grant reelected president

1873

- A nationwide depression begins weakening Republican commitment to Reconstruction

1875

- Civil Rights Act passed, guaranteed equal rights in public places and forbade exclusion of Blacks from juries

1876

- Presidential election pits Rutherford B. Hayes, Republican, against Samuel J. Tilden, Democrat; outcome of the election in dispute

1877

- Special Electoral Commission (Committee of Fifteen) established to determine the outcome of the election; Hayes declared the victor in the disputed states
- Southern Democrats support the findings of the Electoral Commission after concessions are promised (Compromise of 1877)
- The last federal troops leave the South officially concluding Congressional/Military Reconstruction.

"Tilden or Blood" cartoon by Thomas Nast
Harper's Weekly, February 17, 1877

An Act to Establish a Bureau for the Relief of Freedmen and Refugees
March 3, 1865

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established in the War Department, to continue during the present war of rebellion, and for one year thereafter, a Bureau of Refugees, Freedmen, and Abandoned Lands, to which shall be committed. . . the supervision and management of all abandoned lands, and the control of all subjects relating to refugees and freedmen from rebel states . . . under such rules and regulations as may be prescribed by the head of the bureau and approved by the President. The said bureau shall be under the management and control of a commissioner to be appointed by the President . . .

Sec. 2 And be it further enacted, That the Secretary of War may direct such issues of provisions, clothing, and fuel, as he may deem needful for the immediate and temporary shelter and supply of destitute and suffering refugees and freedmen and their wives and children, under such rules and regulations as he may direct.

Sec. 3 And be it further enacted, That the President may, by and with the advice and consent of the Senate, appoint an assistant commissioner for each of the states declared to be in insurrection, not exceeding ten in number, who shall, under the direction of the commissioner, aid in the execution of the provisions of this act; . . . And any military officer may be detailed and assigned to duty under this act without increase of pay or allowances. The commissioner shall, before the commencement of each regular session of congress, make full report of his proceedings with exhibits of the state of his accounts to the President, who shall communicate the same to Congress. . . .

Sec. 4 And be it further enacted, That the commissioner, under the direction of the President, shall have authority to set apart, for the use of loyal refugees and freedmen, such tracts of land within the insurrectionary states as shall have been abandoned, or to which the United States shall have acquired title by confiscation or sale, or otherwise, and to every male citizen, whether refugee or freedman, as aforesaid, there shall be assigned not more than forty acres of such land, and the person to whom it was so assigned shall be protected in the use and enjoyment of the land for the term of three years at an annual rent not exceeding six per centum upon the value of such land, as it was appraised by the state authorities in the year eighteen hundred and sixty, for the purpose of taxation, and in case no such appraisal can be found, then the rental shall be based upon the estimated value of the land in said year, to be ascertained in such manner as the commissioner may by regulation prescribe. At the end of said term, or any time during said term, the occupants of any parcel so assigned may purchase the land and

Document A

receive such title thereto as the United States can convey upon paying therefore the value of the land as ascertained and fixed for the purpose of determining the annual rent aforesaid. . . .

—APPROVED, March 3, 1865

Statutes at Large, 1863-65, Vol. 13, Card 7, Reel 4122, National Archives and Records Administration

Freedmen's Bureau office, Memphis, Tennessee
Harper's Weekly, June 2, 1866

Bureau Circular

Bureau of Refugees, Freedmen, and Abandoned Lands
Headquarters Ass't Commissioner
State of Virginia, Richmond, Va.
June 15, 1865

Captain:

Having been ordered to report to this bureau for duty, you, are hereby appointed superintendent of freedmen for the first district. . . . You will at once divide your district into a suitable number of sub-districts, and appoint an officer as assistant superintendent over each. You will as soon as possible take a census of all colored people within your district. . . . Your duties will be, to protect the negroes in their rights as freemen; to see that in their present state of helplessness they are not oppressed or injured by their former masters. You will aid them by your advice in making contracts for their services, if such contracts are liable to be injurious to their interests. . . . You will also let them understand that when their contracts for services are made with the whites, they are under obligations to and must fulfil the same. . . . Cultivate . . . among them a friendly spirit towards the citizens and their former masters. . . . You will not issue rations to any person able to work for whom employment can be found. . . . [K]eep a register of all colored persons able to work, and without employment in his sub-district and to aid such persons in finding places to work. . . . Look after the vagrants, and if, after being admonished, they do not provide themselves with honest labor, turn them over to work under some military guard, without payment, until they are ready to work for themselves. . . . [Y]ou will consider them under the same common laws that govern free laborers throughout the north. . . .

You will instruct them that their rights in what they may possess will now be protected, and that neither laws nor proclamations can make them really free until by frugality and economy they place themselves in a position where their dependence on government or charity for support shall cease.

. . . Beyond the changes necessary for uniting families, you will discourage their wandering propensities, except so far as changes may be necessary for labor to find its best market. All orphan children and helpless and infirm persons that have no one to care for them will be removed at once to a comfortable home, now being provided. . . .

—O. Brown
Captain and A.G.M., and Ass't Commissioner

Records of the Assistant Commissioner of Virginia, Bureau of Refugees, Freedmen and Abandoned Lands, 1865–69, RG 105, National Archives.

Document C

SCHURZ REPORT ON THE CONDITON OF THE SOUTH DECEMBER 1865

After the war, President Johnson sent Major General Carl Schurz on a fact-finding trip through the Southern states to assess the situation. Schurz was convinced that Southerners had not changed their attitudes toward blacks and warned of dire consequences if federal troops were withdraw before providing freedmen with the power to protect themselves. The president was cool to report; however, Congress used Schurz's scathing report as one body of evidence against presidential reconstruction.

> . . . In [Alabama] the efforts made to hold the negro in a state of subjection appear to have been of a particularly atrocious nature. Rumors to that effect which reached Montgomery induced me to make inquiries at the post hospital. The records of that institution showed a number of rather startling cases which had occurred immediately after the close of the war, and some of a more recent date; all of which proved that negroes leaving the plantations, and found on the roads, were exposed to the savagest treatment. . . . In a report to General Swayne, assistant commissioner of the Freedmen's Bureau, in Alabama, communicated to me by the general, Captain Poillon, agent of the bureau at Mobile, says of the condition of things in the southwestern part of the State, July 29: "There are regular patrols posted on the rivers, who board some of the boats; after the boats leave they hang, shoot, or drown the victims they may find on them, and all those found on the roads or coming down the rivers are almost invariably murdered. . . . The bewildered and terrified freedmen know not what to do—to leave is death; to remain is to suffer the increased burden imposed upon them by the cruel taskmaster, whose only interest is their labor, wrung from them by every device an inhuman ingenuity can devise; hence the lash and murder is resorted to to intimidate . . . .
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> . . . So far, the *spirit of persecution* has shown itself so strong as to make the protection of the freedman by the military arm of the government in many localities necessary—in almost all, desirable. It must not be forgotten that in a community a majority of whose members is peaceably disposed, but not willing or not able to enforce peace and order, a comparatively small number of bold and lawless men can determine the character of the whole. . . .
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> . . . [T]angible evidence of good intentions would seem to have been furnished by the admission of negro testimony in the courts of justice, which has been conceded in some of the southern States, at least in point of form. This being a matter of vital interest to the colored man, I inquired into the feelings of people concerning it with particular care. At first I found hardly any southern man that favored it. Even persons of some liberality of mind saw seemingly insurmountable objections. The

appearance of a general order issued by General Swayne in Alabama, which made it optional for the civil authorities either to admit negro testimony in the State courts or to have all cases in which colored people were concerned tried by officers of the bureau or military commissions, seemed to be the signal for a change of position on the part of the politicians. A great many of them, seeing a chance for getting rid of the jurisdiction of the Freedmen's Bureau, dropped their opposition somewhat suddenly. . . .

But I may state that even by prominent southern men, who were anxious to have the jurisdiction of the State courts extended over the freedmen, the admission was made to me that the testimony of a negro would have but little weight with a southern jury. . . .

It is probably that the laws excusing negro testimony form the courts will be repealed in all the States lately in rebellion if it is believed that a satisfactory arrangement of this matter may in any way facilitate the "readmission" of the States, but I apprehend such arrangements will hardly be sufficient to secure to the colored man impartial justice as long as the feelings of the whites area against him and they think that his rights are less entitled to respect that their own. . . .

The facility with which southern politicians acquiesce in the admission of negro testimony is not surprising when we consider that the practical management of the matter will rest with their own people. . . .

Schurz Report on Condition of the South, 39th Congress, 1st Sess., Senate Executive Document No. 2 (Dec. 19, 1865).

Document D

AN ACT TO PROTECT ALL PERSONS IN THE UNITED STATES IN THEIR CIVIL RIGHTS, AND FURNISH THE MEANS OF THEIR VINDICATION

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right, in every State and Territory in the United States, to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statue, ordinance, regulation, or custom, to the contrary notwithstanding.

Sec. 2 . . . [A]ny person who . . . shall subject . . . any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act . . . shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, in the discretion of the court.

Sec. 3 . . . The jurisdiction in civil and criminal matters . . . conferred on the district and circuit courts of the United States shall be exercised and enforced in conformity with the laws of the United States. . . .

Sec. 4 . . . That the district attorneys, marshals, and deputy marshals of the United States, the commissioners appointed by the circuit and territorial courts of the United States, with powers of arresting, imprisoning, or bailing offenders against the laws of the United States, the officers and agents of the Freedmen's Bureau, and every other officer who may be specially empowered by the President of the United States, shall be, and they are hereby, specially authorized and required, at the expense of the United States, to institute proceedings against all and every person who shall violate the provisions of this act, and cause him or them to be arrested and imprisoned, or bailed, as the case may be, for trial before such court of the United States or territorial court. . . .

Statutes at Large, Dec. 1865–March 1867, Vol. 14.

The Watson Case

The following official communiqués document the Freedmen Bureau's role in a case involving the shooting death of William Medley, a freedman, by Dr. James Watson, white man, in Virginia in 1866.

Communiqué to General Howard from General Schofield

Bureau of Refugees, Freedmen and Abandoned Lands
Headquarters Ass't Com., Dep't of the Potomac,
Richmond, Virginia, December 8, 1866

GENERAL: I desire to give you the facts, so far as they are now known, of an important case now before me, and which may very likely be brought before the president. A freedman, named William Medley, was shot and killed by Dr. James L. Watson, a prominent citizen of Rockbridge county, Virginia, under circumstances detailed in the accompanying extract from the report of Brevet Colonel Carse, and which does not differ materially from the statement voluntarily made to me by Dr. Watson himself after his arrest. Upon finding that the wound he had inflicted upon the colored man was mortal, Dr. Watson surrendered himself to a magistrate, and was recognized in a nominal sum to appear before an examining court, which court, after hearing the case, discharged the prisoner. Two of the magistrates, as I was informed, were in favor of bringing the case before a jury, while three voted for the discharge. This seemed a fair type of the numerous cases reported by officers of the bureau in which the civil courts fail, in the opinion of those officers, to give substantial justice and protection to the freedmen. I therefore determined to bring the case before a military court, not so much on account of its individual merits, as for the purpose of testing in the best practical way the important general questions involved.

I have caused Dr. Watson to be arrested and brought to Richmond, and have taken his parole and bond, with ample security, to appear for trial on the 19th of this month. My purpose is to bring the case for trial before a military commission to be appointed under the act of Congress of July 16, 1866, and to consist of a full number of officers of rank.

I am, general, very respectfully, your obedient servant.

J. M./ Schofield
Brevet Major General U.S.A., Ass't Commissioner.

[To] Major General O. O. Howard
Commissioner Bureau Refugees, etc., Washington, D.C.

Document E

Communiqué to General Brown from Captain Mallery

Department of the Potomac, Headquarters
Bureau of Refugees, Freedmen and Abandoned Lands
Richmond, Virginia, December 26, 1866.

In obedience to your instructions I have the honor to make the following report upon the testimony of the witnesses examined by me in the case of Dr. J. L. Watson, of Rockbridge county, and the merits of the whole case as it appeared to me after investigation at the scene and in the neighborhood of the homicide.

Mr. Robert J. Echols stated as follows: I am near neighbor of Dr. Watson, residing about a mile from him. On Wednesday, November 14, about 3 p. m., Dr. Watson called on me at my house, and said that he had an account to settle with William Medley, a freedman in my employ. I, thinking that it was a bill for professional services, stated that I had money enough in my hands due to Medley to satisfy any claim the doctor might have against him. The latter replied that it was not a pecuniary matter, but that Medley had offered an insult to his family by attempting to pass them on their way to church, the Sunday previous, while driving my carriage containing a portion of my family, and had endangered the lives of Mrs. Watson and daughter, who were in the doctor's carriage, and also the lives of that portion of my family, consisting of my young daughter and step-daughter, in the charge of my seamstress, which was in my carriage, and that Medley's conduct was such that he would not submit to it from any man, white or black. He said, "I have come to give William a caning," having a stick a little thicker than my thumb. I replied, "William is the best boy I ever knew." The doctor concurred, saying, "Yes; he is one of the best boys I ever knew," but repeated his intention to cane him. I suggested that, as no harm had actually happened to the two families, and but a small damage to the doctor's carriage, it would be better to have the latter repaired at William's expense. But the doctor repeated much as before, and inquired the whereabouts of William. I told him he was in the field at work. he started in that direction. A short time after I heard the firing of a pistol, and in a few moments William came and fell down near my house. I went to him, and found him wounded. I ordered my horse saddled, to go for Dr. Chandler. I had the boy carried in a blanket to his quarters. Dr. Watson came and examined him, and gave him some stimulus, at first saying that it was only a flesh wound, but afterwards agreed with me that Dr. Chandler should be sent for, which was done. William lived about thirty hours after the shooting. I was with him all the time until he died. He had been in my employ seventeen months. He was recommended to me by Dr. Watson when I came on the farm. He had been raised about there, and Dr. Watson knew him well, and told me by all means to get him, as he was the best boy he knew. Some

time after that, Dr. Watson made it a personal favor for me to let William go to him, under some trouble for help in his family, but I declined, because I myself could not spare him. I considered him the best boy I ever knew in my life. He was married. His wife was in the field when he was shot, but not in a position to see the shooting. She came with him to my house after the shooting. He evidently came to me for protection.

Mr. Lewis P. Loudon, a step-son of Mr. Echols, states as follows: About 3 ½ p.m., on Wednesday, the 14th November, I was in the field adjoining Mr. Echols's house, when Dr. Watson rode by me, giving some indistinct salutation, without stopping, and went on directly to where William Medley was engaged in preparing to harrow. He was at the moment hitching his horse to the harrow, and was about fifteen or twenty paces distant from me. Dr. Watson immediately dismounted, and began to strike William on the head with his stick, at the same time asking him "why he broke his carriage." He struck William both before and after thus speaking. William said he had not done so, and jumped behind his horse to avoid the doctor, who followed him. William then began to run towards the centre of the field. The doctor called on him to stop. He seemed to halt for a moment; but on the doctor approaching, evidently with the intention of again assaulting him, with the stick still in his hand, he ran again. The doctor then drew a pistol and called on William to stop, at the same time pulling the trigger. The cap snapped, but the pistol was not discharged. Medley was still running, and had got between fifty and sixty feet off, when the doctor fired the pistol, the ball from which entered Medley's back.

Philip Carter, a young colored man, stated: I was in the field on the afternoon in question; I was going along the path near the fence when the doctor rode by, and went past Mr. Loudon, and then crossed over to where William was, with the harrow. I was not near enough at first to hear if there was any talk, but I could see plainly; I was going in the same direction with the doctor, but slower than he went. He got off his horse beside William and began striking him on the head. I did then hear him ask William why he had broken his carriage, and William answered that he had not. The doctor had struck him before I heard this. William ran behind the horse with which he was going to harrow, and the doctor followed. William then ran off into the field, and I heard the doctor shout to him to stop. He snapped a pistol, and William seemed to slacken up a minute, and then ran on. The doctor fired the pistol then. William ran toward the farm buildings near where his wife was, and then went toward Mr. Echols's house.

David Carter, colored, was not in a position, from a rise in the ground where he was at work, to see Dr. Watson approach, or to observe the first part of the assault, but saw the last part, the firing of the pistol, and that William, at the shot, clapped his hand on the part wounded. He corroborated the two last-named witnesses.

Document E

Dr. Samuel T. Chandler testified to being called to attend to the deceased, described the wound, and that he died in about thirty hours from the effects of it.

These are the witnesses in chief for the prosecution whom I summoned. They all say that they gave the same evidence before the examining court, and it is to be remarked that Dr. Watson, who has, though under caution from myself, as well as other also, on the subjects of the whole affair, and stated that he took pride in being perfectly candid regarding it, gives the above as his own version with the single and unimportant exception that he asked the question, "Why did you break my carriage," before he struck any blow, and did not commence by a blow, then asking the question. He clearly stated that the above evidence, all of which he had heard at the examining court, was correct, with that trivial exception.

Immediately after the shooting Dr. Watson went to a neighboring justice of Rockbridge county, and surrendered himself. The coroner's inquest found that *William Medley came to his death by a pistol-shot fired by J. L. Watson;* whereupon the magistrate who acted as corner required Dr. Watson to enter into a recognizance in the sum of $1,000, to appear at a "called court," or examining court, to be convened at Lexington, on Thursday the 22d November. This court was composed of William White, Henry M. Hatcher, James G. Updike, Samuel Cowan, and John W. Mackey, "gentlemen justices," Henry M. Hatcher being chosen to preside. The court was occupied in the case until the 24th of the same month. Dr. Watson being charged before it with "*feloniously and unlawfully killing William Medley,*" and on the last named day the following order was made: "On consideration, the court is of the opinion that the said James L. Watson be not further tried for the said offence [sic.], and he is order to be discharged from custody."

The evidence for the defence [sic.] before the examining court, and also that proposed to be offered by Dr. Watson before the military commission, to sustain which I summoned the witnesses designated by him, was confined to the following points:

First. General good character.

Second. Provocation, by the statement of particulars of the carriage collision; and,

Third. His nearness of vision, which was said to prevent his taking accurate aim at the distance at which the shot was fired.

First. The good moral character of Dr. Watson, in the community seems to have been well established. There was the evidence of colored as well as white witnesses to that point.

Second. I went with Dr. Watson, at his request, over the ground at which the collision occurred, and heard his full explanation of it; also examined witnesses on the subject. While in some doubt how far evidence on that point would be admitted by any intelligent court as defence on a charge of murder, yet it might be considered with reference to motive, and under my instructions to be liberal in allowing the accused the benefit of all testimony which could possibly affect his case favorably, I summoned all the witnesses he desired. I give the substance of this matter of defence as it was presented to the examining court, and as was developed by my investigation.

On Sunday, the 11th November, the wife and daughter of Dr. Watson proceeded to church, driven by a colored boy named Oler Cole, the carriage being drawn by mules. They were followed by the carriage of Mr. Echols, driven for the same destination by the deceased, William medley, and containing the young daughter and step-daughter of Mr. Echols, under the charge of his seamstress, Miss Nancy Jane Childres. This carriage was drawn by horses, being a faster team than that of Dr. Watson's ahead of it. For a considerable distance the road is such that no vehicle can pass another travelling [sic.] in the same direction. At a point in the road near the house of Mr. Adam Hickman, Miss Childres suggested to the driver of Mr. Echols's carriage, the deceased William Medley, that he could probably pass the slower team there, and he turned to the left to do so. At that precise point where the turn was made, it seems that, with the co-operation of the slower team in front, Mr. Echols's carriage could have passed in safety. Miss Childres states that the ladies in Dr. Watson's carriage called to their driver not to let the other carriage pass and that, thereupon the driver of the front carriage also turned slightly to the left. This is denied by Mrs. and Miss Watson. The result, however, was, that in a bad and narrow part of the road, somewhat beyond where the first attempt to turn out was made, the carriage came into collision, and the wheels were for a short time locked. The hub of Mr. Echols's carriage broke one of the spokes of Dr. Watson's. This was not with great violence, for the spoke was only pushed out of place and snapped, the two pieces still remaining attached to the hub and felloe when I saw the carriage a month afterward, and the adjacent spokes being apparently not touched. The carriages were soon separated, and that of Mr. Echols resumed its place in the rear until a more favorable place in the road allowed it to pass. Dr. Watson was absent from home at the time this occurred,

and did not know of it until the succeeding night. he heard that Mr. Echols was absent on Wednesday morning, and not wishing to chastise one of his men in his absence, waited until the afternoon. He asserts that it was not only his right to beat the freedman Medley for what he considered a wanton and malicious insult and injury, but that he was bound in honor to do so. This is his defence, or rather exculpation. The cost of repairing his broken spoke would be about fifty cents.

Third. I must explain that I summoned the witnesses called for by Dr. Watson to prove his nearness of vision only in deference to your orders to be exceptionally liberal in giving him full benefit in that respect. I remonstrated with him against involving the government in that expense, because it would be obvious that myopia would be no defence before an intelligent court, however it might avail with ignorant justices or juries, explaining that he himself, or any one acquainted with optics, could well understand that a myope, though defective in distinguishing the features of a man at the distance at which the shot was fired, or in aiming at any particular button of his clothes, could perfectly well see and aim at the object. I was aware that persons fully as near-sighted as himself were good line shots without the aid of glasses, but, though unable to controvert me, he insisted upon the witnesses being summoned, which I finally concluded to do, for the reason above given, and also because the same evidence having been given at the examining court, it might be well to have it within the reach of the commission.

This explanation is made in justice to myself, as it seems futile to introduce evidence of defence on such a ground, especially when the object actually was his with fatal accuracy.

—Garrick Mallery,
Captain 43d United States Infantry, Inspector.

[To] Brevet Brigadier General O. Brown
Acting Assistant Adjutant General.

Communiqué from General Schofield to the Richmond Circuit Court

Headquarters Department of the Potomac,
Bureau of Refugees, Freedmen and Abandoned Lands,
Richmond, Va., December 19, 1866.

To the honorable Circuit Court of the city of Richmond, in session, Va.:

I have the honor to acknowledge the receipt, through the hands of James Lyon, esq., of the writ of your honorable court, dated at the city of Richmond this 19th of December, 1866, commanding me to have the body of James L. Watson, now under my custody, before the judge of your honorable court to-day at 2 o'clock p.m., together with the cause of his being taken and detained. To which I have the honor to respectfully answer as follows, to wit:

James L. Watson was arrested by my order on the 4th day of December instant, and is now held for trial by military commission, under the authority of the act of Congress of July 16, 1866, which act directs and requires the President, through the Commissioner and officers of the Freedmen's Bureau, to exercise military jurisdiction over all cases and questions concerning the free enjoyment of the right to have full and equal benefit of all laws and proceedings concerning personal liberty, personal security, etc., by all citizens, without respect to race or color, or previous condition of slavery of the States whose constitutional relations to the government of the United States have been discontinued by the rebellion, and have not been restored.

The above named act of Congress has been officially published to the army by the President through the War Department for the information and government of all concerned.

As an officer of the United States army, commanding the military department which includes the State of Virginia, and assistant commissioner of the Freedmen's Bureau for the same department, my duty requires me to decline compliance with the writ of your honorable court, and I do therefore respectfully decline to produce the body of the said James L. Watson.

I have the honor to be, very respectfully, your obedient servant.
J. M. Schofield
Assistant Commissioner.

Document E

Virginia Circuit Court petition to General Schofield

To Major General Schofield, commanding district of Richmond, and assistant commissioner of the Freedmen's Bureau.

The petition of _____ Watson, doctor of medicine, of the county of Rockbridge, in the state of Virginia, respectfully showeth that, on the ___ day of ____ in this year, he was arrested upon his voluntary surrender) upon the charge of feloniously killing one _____ _____, a freedman, and committed for examination before an examining court in his county; that on the ___ day of ____ he was regularly examined by the said court and acquitted, and discharged from further prosecution, as will appear by the record of the said court, a copy of which is herewith exhibited.

That the said court was a regularly constituted court, having jurisdiction, by the laws of Virginia, to hear and examine such cases, and to acquit and discharge the prisoner, or to send him on for further trial; and its judgment of acquittal is final, so that the accused cannot "thereafter be questioned or tried for the same offence."

—(See the Code of Virginia, chap. 205, p. 765, sec. 2.)

That on the ___ day of this month he was arrested for the same offence by an officer and detachment of men of the army of the United States, said to be acting under orders from you, and brought a prisoner to Richmond, for the purpose of being again tried for the same offence by a court-martial or military commission, as he had been informed.

Upon these facts your petitioner asks that you will order his immediate discharge from custody, for the following reasons, to wit:

First. By the termination of the war, and the proclamation of the President of the United States, peace prevails in Virginia, and martial law has ceased to exist, (2 Blackstone's Comm., 413, 414; 2 H.R. Repts., 98; 17 Repts., 403; Hallam's Const. History, 323, 330, 331.) and the execution of any man under such circumstances, by a military tribunal is, by the authorities aforesaid, murder.

Second. By the Constitution of the United States, art. 3, sec. 2, par. 3, it is declared that "the trial of all crimes, except in the cases of impeachment, shall be by jury."

Third. By the Constitution, art. 1, sec. 8, par. 10, the power of Congress over crimes, except treason, is to "define and punish piracies and felonies committed on the high seas, and offences against the law of nations," and therefore it and its courts have no jurisdiction to try felonies committed on the land.

Fourth. By the fifth article of the amendments to the Constitution, it is declared that "no person shall be held to answer for a capital or otherwise infamous offence, unless on presentment or indictment of a grand jury, except in cases arising in the land and naval forces, or in the militia when in actual service in time of war or public danger, nor shall any person be subject, for the same offence, to be trice put in jeopardy of life or limb."

Fifth. By the sixth article of the amendments to the Constitution it is declared that "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed."

Sixth. That the consequence of these principles and constitutional provisions is, that the courts of the United States cannot try a felony committed on the land in time of peace, and therefore no military court can, unless the offender by in the land or naval forces, or in the militia in actual service; and such trials can take place only in State courts, and by a jury.

—(See Milligan's case in the Supreme Court of the United States.)

Seventh. That the Freedmen's Bureau bill and the civil rights bill do not, nor does either of them, change the rights of the accused or the power of the government in criminal cases: first, because Congress had no power to change them, having no right to alter or violate the Constitution; secondly, because they do not profess to effect such change, but relate entirely to civil proceedings and rights of living freedmen, or criminal cases in which live freedmen have been denied justice and a fair trial, and do not profess to govern the trial of white men for the benefit of dead freedmen; thirdly, because, at the most, the jurisdiction conferred by one or both of them is concurrent, and not exclusive, and the settled rule in such cases in the courts of the United States is, that the court first taking jurisdiction shall hold it to the conclusion of the case.

Eighth. Because the authority of the State court which acquitted your petitioner was as complete as that of any court can be, and if it may be reviewed by a military commission, so may the decision of any other court, in this State or any other State, and "chaos has come again," and the State governments are overthrown, for there can be no civil government without a judiciary.

Your petitioner therefore asks that he may be forthwith discharged.

_____ Watson
By his counsel,
James Lyons, Ould & Carrington.

Document E

General Schofield's Response to the Circuit Court

Headquarters Department of the Potomac,
Bureau of Refugees, Freedmen and Abandoned Lands,
Richmond, Virginia, December 14, 1866.

Gentlemen: After fully considering your petition for the discharge of Dr. Watson, and maturely weighing the able arguments presented in support of that petition, I feel compelled to decline granting your request.

A military commission will be appointed to meet in the city of Richmond, at 10 o'clock a.m. on Wednesday, the 19th instant, for the trial of Dr. Watson.

All questions of law, as well as of facts, involved in the case may be presented for the consideration of that commission.

I am, gentlemen, very respectfully, your obedient servant.

J. M. Schofield,
Brevet Major General, U.S.A., Assistant Commissioner

Senate Executive Documents, 39th Congress, 2nd Session, #29, "Violations of Civil Rights Bill," Vol. 2, 16-37.

AN ACT TO PROVIDE FOR THE MORE EFFICIENT GOVERNMENT OF THE REBEL STATES
March 2, 1867

Whereas no legal State governments or adequate protection for life or property now exists in the rebel States of Virginia (et.al.) . . . and whereas it is necessary that peace and good order should be enforced in said States until loyal and republican State governments can be legally established: Therefore, . . . said rebel States shall be divided into military districts and made subject to the military authority of the United States as hereinafter prescribed, and for that purpose Virginia shall constitute the first district. . . .

Sec. 2 . . . that it shall be the duty of the President to assign to the command of each of said districts an officer of the army, not below the rank of brigadier©general, and to detail a sufficient military force to enable such officer to perform his duties and enforce his authority within the district to which he is assigned.

Sec. 3 . . . That it shall be the duty of each officer assigned as aforesaid, to protect all persons in their rights of person and property, to suppress insurrection, disorder, and violence, and to punish, or cause to be punished, all disturbers of the public peace and criminals; and to this end he may allow local civil tribunals to take jurisdiction of and to try offenders, he shall have power to organize military commissions or tribunals for that purpose, and all interference under color of State authority with the exercise of military authority under this act, shall be null and void.

Sec. 4 . . . That all persons put under military arrest by virtue of this act shall be tried without unnecessary delay, and no cruel or unusual punishment shall be inflicted. . . . Provided That no sentence of death under the provisions of this act shall be carried into effect without the approval of the President.

Sec. 5 . . . That when the people of any one of said rebel States shall have formed a constitution of government in conformity with the Constitution of the United States in all respects, framed by a convention of delegates elected by the male citizens of said State, twenty-one years old and upward, of whatever race, color, or previous condition, who have been resident in said State for one year previous to the day of such election, . . . and when such constitution shall provide that the elective franchise shall be enjoyed by a majority of the persons voting on the question of ratification who are qualified as electors for delegates, and when such constitution shall have been submitted to Congress for examination and approval, and Congress shall have approved the same, and when said State, by a vote of its legislature

elected under said constitution shall have adopted the amendment to the Constitution of the United States, . . . known as article fourteen, and when said article shall have become a part of the Constitution of the United States, said State shall be declared entitled to representation in Congress, and senators and representatives shall be admitted therefrom on their taking the oath prescribed by law, and then and thereafter the preceding sections of this act shall be inoperative in said State: Provided, That no person excluded from the privilege of holding office by said proposed amendment to the Constitution of the United States, shall be eligible to election as a member of the convention to frame a constitution for any of said rebel States, nor shall any such person vote for members of such convention.

Sec. 6 . . . That, until the people of said rebel States shall be by law admitted to representation in the Congress of the United States, any civil governments which may exist therein shall be deemed provisional only, and in all respects subject to the paramount authority of the United States at any time to abolish, modify, control, or supersede the same; and in all elections to any office under such provisional governments all persons shall be entitled to vote, and none others, who are entitled to vote, under the provisions of the fifth section of this act and no person shall be eligible to any office under any such provisional governments who would be disqualified from holding office under the provisions of the third article of said constitutional amendment.

Statutes at Large, Dec. 1865-March 1867, Vol. 14, 428-30.

SUPPLEMENTARY ACT
March 23, 1867

An Act supplementary to an Act entitled "An Act to provide for the more efficient Government of the Rebel States," passed March second, eighteen hundred and sixty-seven, and to facilitate Restoration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That before the first day of September, eighteen hundred and sixty-seven, the commanding general in each district defined by an act entitled "An act to provide for the more efficient government of the rebel States," passed March second, eighteen hundred and sixty-seven, shall cause a registration to be made of the male citizens of the United States, twenty-one years of age and upwards resident in each country or parish in the State or States included in his district, which registration shall include only those persons who are qualified to vote for delegates by the act aforesaid, and who shall have taken and subscribed the following oath or affirmation: "I, _____, do solemnly swear (or affirm), in the presence of Almighty God, that I am a citizen of the State of _____; that I have resided in said States for _____ months next preceding this day, and now reside in the county of _____, or the parish of _____, in said State (as the case may be); that I am twenty-one years old; that I have not been disfranchised for participation in any rebellion or civil war against the United States, nor for felony committed against the laws of any state or of the United States; that I have never been a member of any State legislature, nor held any executive or judicial office in any State and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I have never taken an oath as a member of Congress of the United States, or as an officer of the United States, or as a member of any State legislature, or as an executive of judicial officer of any State, to support the Constitution of the United States, and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I will faithfully support the Constitution and obey the laws of the United States, and will, to the best of my ability, encourage others so to do, so help me God"; which oath or affirmation may be administered by any registering officer.

Sec. 2. *And be it further enacted,* That after the completion of the registration hereby provided for in any State . . . an election shall be held of delegates to a convention for the purpose of establishing a constitution and civil government for such State loyal to the Union, said convention in each State, except Virginia, to consist of the same number of members as the most numerous branch of the State legislature of such State in the year eighteen hundred and sixty, to be apportioned

among the several districts, counties, or parishes of such State by the commanding general, giving to each representation in the ratio of voters registered as aforesaid as nearly as may be. The convention in Virginia shall consist of the same number of members as represented the territory now constituting Virginia in the most numerous branch of the legislature of said State in the year eighteen hundred and sixty, to be apportioned as aforesaid.

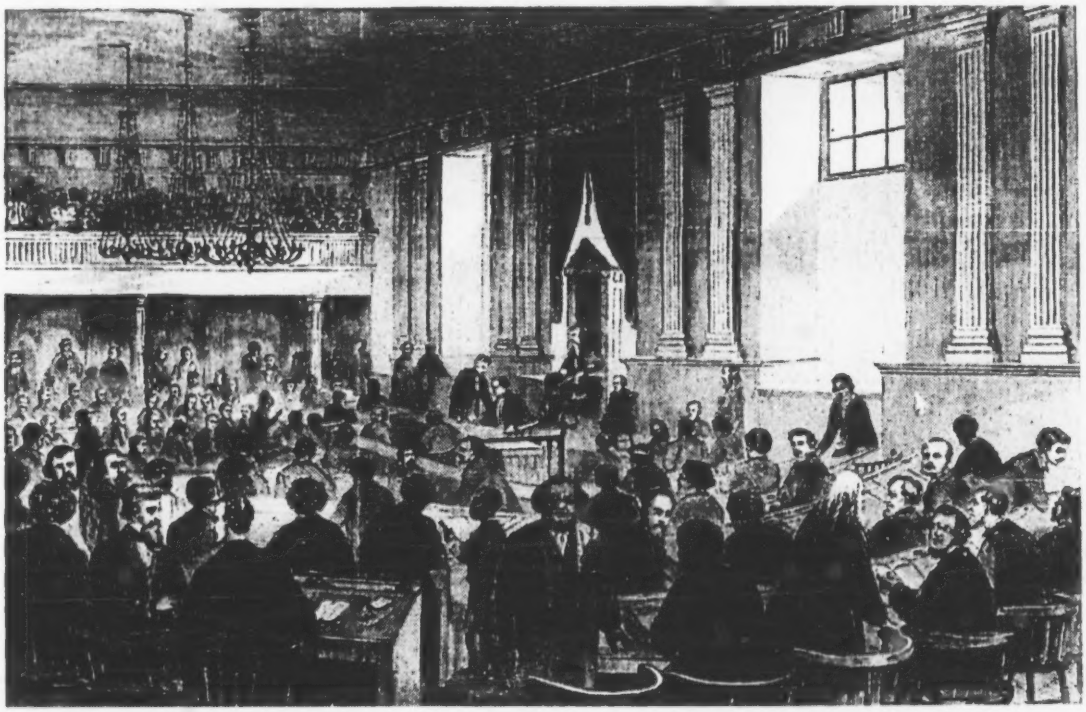
Sec. 3. *And be it further enacted,* That at said election the registered voters of each State shall vote for or against a convention to form a constitution. . . . The persons appointed to superintend said election, and to make return of the votes given thereat, as herein provided, shall count and make return of the votes given for and against a convention; and the commanding general to whom the same shall have been returned shall ascertain and declare the total vote in each State for and against a convention. If a majority of the votes given on that question shall be for a convention, then such convention shall be held as hereinafter provided; but if a majority of said votes shall be against a convention, then no such convention shall be held under this act. . . .

Sec. 4. *And be it further enacted,* That the commanding general of each district shall appoint as many boards of registration as may be necessary, consisting of three loyal officers or persons, to make and complete the registration, superintend the election, and make return to him of the votes, list of voters, and of the persons elected as delegates by a plurality of the votes cast at said election; . . . and if a majority of the votes given on that question shall be for a convention, the commanding general, within sixty days from the date of election, shall notify the delegates to assemble in said convention, when organized, shall proceed to frame a constitution and civil government . . . ; and when the same shall have been so framed, said constitution shall be submitted by the convention for ratification to be conducted by the officers or persons appointed or to be appointed by the commanding general. . . .

Sec. 5. *And be it further enacted,* That if, according to said returns, the constitution shall be ratified by a majority of the votes of the registered electors . . . , the president of the convention shall transmit a copy of the same, duly certified, to the president of the United States, who shall forthwith transmit the same to Congress . . . ; and if it shall moreover appear to Congress that the election was one at which all the registered and qualified electors in the State had an opportunity to vote freely and without restraint, fear, or the influence of fraud, and if the Congress shall be satisfied that such constitution meets the approval of a majority of all the qualified electors in the state, and if the said constitution shall be declared by Congress to be in conformity with the provisions of the act to which this is supplementary, and the

other provisions of said act shall have been complied with, and the said constitution shall be approved by Congress, the State shall be declared entitled to representation, and senators representatives shall be admitted therefrom as therein provided.

Statutes at Large, Dec. 1865-March 1867, Vol. 15, 2-4.



Session of the State Convention at Richmond, Virginia
Frank Leslie's Illustrated Newspaper, February 15, 1868

Lesson Two: From Slavery to Free Labor

A. Objectives

1. To analyze the struggle between former masters and slaves as freed African Americans strove to establish a free labor society.
2. To assess the efforts of the Freedmen's Bureau to secure a system of free labor in the southern states.

B. Lesson Activities (These activities will take approximately 1 day)

Divide students into five groups. Provide each group with a different document to review and discuss. Have each group examine their assigned document seeking evidence to support or refute the assertion that military reconstruction was essential to secure the rights of freed persons to the fruits of their labor.

Documents:

H. Labor in the Post-War South
I. Labor Contract
J. Speech to Freed Persons Regarding Fruits of Their Labor (Martin R. Delany)
K. Is Labor Legal Property?
L. Military Enforced Labor Policy Louisiana (1865)

Upon completion, have a spokesperson from each group give an oral summary of their document and the focus of their discussion.

Hold a general discussion with students on the role of Bureau agents focusing on these questions:

1. What impact do you think the Bureau had on the issues of land and labor?
2. What were some Bureau shortcomings detectable from these accounts?
3. What conclusions could be drawn regarding the changed relationship between former masters and slaves?
4. Why did freed persons insist upon land ownership? What would be the economic impact of a re-allocation of confiscated lands?
5. Was the Bureau successful in transforming the South from slave to free labor? Explain.

Labor in the Post-War South

The following comments are excerpted from the detailed report on conditions in the south prepared by Major General Carl Schurz and submitted to the Congressional Joint Committee on Reconstruction in December, 1865.

> . . . There appears to be another popular notion prevalent in the south, which stands as no less serious an obstacle in the way of a successful solution of the problem. It is that the negro exists for the special object of raising cotton, rice and sugar *for the whites*, and that it is illegitimate for him to indulge, like other people, in the pursuit of his own happiness in his own way. Although it is admitted that he has ceased to be the property of a master, it is not admitted that he has a right to become his own master. As Colonel Thomas, assistant commissioner of the Freedmen's Bureau in Mississippi, in a letter addressed to me, very pungently expresses it: "The whites esteem the blacks their property by natural right, and, however much they may admit that the relations of masters and slaves have been destroyed by the war and by the President's emancipation proclamation, they still have an ingrained feeling that the blacks at large belong to the whites at large, and whenever opportunity serves, they treat the colored people just as their profit, caprice or passion may dictate. An ingrained feeling like this is apt to bring forth that sort of class legislation which produces laws to govern one class with no other view than to benefit another." This tendency can be distantly traced in the various schemes for regulating labor which here and there see the light.
>
> . . . [F]ree negro labor being the only thing in immediate prospect, many ingenious heads set about to solve the problem, how to make free labor compulsory by permanent regulations.
>
> Shortly after the close of the war some South Carolina planters tried to solve this problem by introducing into the contracts provisions leaving only a small share of the crops to the freedmen, subject to all sorts of constructive charges, and then binding them to work off the indebtedness they might incur. It being to a great extent in the power of the employer to keep the laborer in debt to him, the employer might thus obtain a permanent hold upon the person of the laborer. . . . When these contracts were submitted to the military authorities for ratification, General hatch, commanding at Charleston, at once issued an order prohibiting such arrangements. . . .
>
> The spirit of the above also made its appearance in another form, in the action of the police board of the parish of Bossier [Louisiana], which was an attempt to revive at once the old slave laws, and to prevent the freedmen

from obtaining employment [away] from their former masters. The gist of the enactment alluded to is contained in the paragraph directing the officers on patrol duty "to arrest and take up all idle and vagrant persons running at large without employment and carry them before the proper authorities, to be dealt with as the law directs." A regulation like this certainly would make it difficult for freedmen to leave their former masters for the purpose of seeking employment elsewhere. . . .

Clearer and more significant was the ordinance passed by the police board of the town of Opelousas, Louisiana. . . . Among a number of regulations applying exclusively to the negro, and depriving him of all liberty of locomotion, the following striking provisions are found:

Section 4. No negro or freedman shall reside within the limits of the town of Opelousas *who is not in the regular service of some white person or former owner.*

Section 8. No negro or freedman shall sell, barter or exchange, any articles of merchandise or traffic within the limits of Opelousas without permission in writing from his employer, or the mayor, or president of the board.

This ordinance was at first approved by a lieutenant colonel of the United States forces having local command there, and it is worthy of note that thereupon the infection spread at once, and similar ordinances were entertained by the police boards of the town of Franklin and of the parish of St. Landry. The parish ordinance of St. Landry differs from he town ordinances of Opelousas and Franklin in several points, and wherever there is any difference, it is in the direction of greater severity. It imposes heavier fines and penalties throughout, and provides, in addition, for a system of corporal punishment. It is also ordained "that the aforesaid penalties shall be *summarily enforced*, and that it shall be the duty of the *captain or chief of patrol* to see that the aforesaid ordinances are promptly executed." While the town ordinances provide that a negro who does not find an employer shall be compelled to leave the town, the parish or county ordinance knows noting of letting the negro go, but simply *compels* him to find an employer.

On the whole, this piece of legislation is a striking embodiment of the idea that although the former owner has lost his individual right of property in the former slave, the blacks at large belong to the whites at large."

Report of Major General Schurz, 39th Congress., 1st Session Senate Executive Document No. 2 (December 19, 1865).

LABOR CONTRACT

This South Carolina labor agreement was typical of those approved by the Freedmen's Bureau.

August 5, 1865

This Agreement entered into between E. D. & L. R. Wright of the one part, and the Freedmen and Women of J. D. Wright's (deceased) plantation of the other part, Witnesseth:

That the latter agree, for the remainder of the present year, to reside upon and devote their labor to the cultivation of the Plantation of the former. And they further agree, that they will in all respects, conform to such reasonable and necessary plantation rules and regulations as E. D. & L. R. Wright may prescribe; that they will not keep any gun, pistol, or other offensive weapon, or leave the plantation without permission from their employer; that in all things connected with their duties as laborers on said plantation, they will yield prompt obedience to all and be quiet in their conduct, avoid drunkenness and other gross vices; that they will not misuse any of the Plantation Tools, or Agricultural Implements, or any Animals entrusted to their care, or any Boats, Flats, Carts, or Wagons; that they will give up at the expiration of this Contract all Tools &c, belonging to the Plantation, and in case any property, of any description belonging to the Plantation shall be willfully or through negligence destroyed or injured, the value of the Articles so destroyed shall be deducted from the portion of the Crops which the person or persons, so offending, shall be entitled to receive under this Contract.

Any deviations from the condition of the foregoing Contract, may, upon sufficient proof, be punished with dismissal from the Plantation or in such other manner as may be determined by the Provost Court; and the person or persons so dismissed, shall forfeit the whole, or a part of his, her or their portion of the crop, as the Court may decide.

In consideration of the foregoing Services duly performed, E. D. and L. R. Wright agree, after deducting seventy five bushels of Corn for each work Animal, exclusively used in cultivating the Crops for the present year; and the amount of Cotton necessary to pay for Bagging and Rope, to turn over to the said Freedmen and Women, one half of the remaining Cotton, Corn, Rice, Peas, Potatoes, made this season. They further agree to furnish the usual rations until the Contract is performed.

Document I

All Cotton Seed produced on the Plantation is to be reserved for the use of the Plantation. The Freedmen, Women and Children, are to be treated in a manner consistent with their freedom. Necessary medical attention will be furnished as heretofore.

Any deviation from the conditions of this Contract upon the part of the said E. D. & L. R. Wright or their Agent or Agents shall be punished in such manner as may be determined by a Provost Court, or a Military Commission. This agreement to continue till the first day of January 1866.

Records of the Freedmen's Bureau, South Carolina, Box 520.

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Speech to Freed Persons Regarding Fruits of Their Labor
Martin R. Delany

Major R. Delany, born in Virginia in 1812, was the grandson of slaves and the son of free African Americans. In the last few months of the Civil War, Delany was commissioned a major and at war's end served as an officer in the Freedmen's Bureau. In July, 1865, Delany addressed a gathering of Sea Island freed persons on St. Helena Island, South Carolina. Delany had a reputation for being outspoken and Bureau heads, concerned about his militancy, sent two lieutenants to attend the lecture and submit reports to the Bureau. The following is an excerpt from Lieutenant Edward R. Stoeber's account of the speech.

Brt Maj. S. M. Taylor
Asst. Adj't Gen'l.

Major:

In obedience to your request, I proceeded to St. Helena Island, yesterday morning, for the purpose of listening to the public delivery of a lecture by Major Delany 104th Ne S.C. [Negro South Carolina] Troops, Comd'g Post. . . .

The meeting was held near "Brick Church," the congregation numbering from 500 to 600.

As introduction Maj. Delany made them acquainted with the fact, that slavery is absolutely abolished, throwing thunders of damnations and maledictions on all the former slaveowners and people of the South, and almost condemned their souls to hell. —And so he was right, so I would have done the same, and all of you ought to have done the same.

"People say that you are too lazy to work, that you have no intelligence to get on for yourselves, without being guided and driven to the work by overseers. I say it is a lie, and a blasphemous lie, and I will prove it to be so. . . .

"Your masters who lived in opulence, kept you to hard work by some contemptible being called overseer—who chastised and beat you whenever he pleased—while your master lived in some Northern town or in Europe to squander away the wealth only you acquired for him. He never earned a single dollar in his life. You men and women, every one of you around me, made thousands and thousands of dollars for your master. Only you were the means for your masters to lead the idle and inglorious life, and to give his children the education, which he denied to you, for fear you may awake to conscience [consciousness]. . . .

Document J

". . . As before the whole South depended upon you, now the *whole country* will depend upon you. I give you an advice how to get along. Get up a community and get all the lands you can—if you cannot get any singly.

"Grow as much vegetables, etc., as you want for your families; on the other part of the land you cultivate rice and cotton. Now for instance 1 Acre will grow a crop of Cotton of $90– now a land with 10 Acres will bring $900 every year: if you cannot get the land all yourself, —the community can, and so you can divide the profit. There is tobacco for instance (Virginia is the great place for tobacco). There are whole squares at Dublin and Liverpool named after some place of tobacco notoriety, so you see of what enormous value your labor was to the benefits of your masters. Now you understand that I want you to be the producers of this country. It is the wish of the government for you to be so. We will send friends to you, who will further instruct you how to come to the end of our wishes. You see that by so adhering to our views, you will become a wealthy and powerful population.

"Now I look around me and notice a man, barefooted, covered with rags and dirt. Now I ask, what is that man doing, for whom is he working. I hear that he works for that and that farmer for 30 cents a day. I tell you that must not be. That would be cursed slavery over again. I will not have it, the government will not have it, and the government shall hear about it. I will tell the government. I tell you slavery is over, and shall never return again. We have now 200,000 of our men well drilled in arms and used to warfare and I tell you it is with you and them that slavery shall not come back; again, if you are determined it will not return again.

"Now go to work, and in a short time I will see you again, and other friends will come to show you how to begin. —Have your fields in good order and well tilled and planted, and when I pass the fields and see a land well planted and well cared for, then I may be sure from the look of it, that it belongs to a free Negro, and when I see a field thinly planted and little cared for," then I may think it belongs to some man who works it with slaves. The government decided that you shall one third of the produce of the crops, from your employer. so if he makes $3– you will have to get $1.– out of it for your labor.

"The other day some plantation owners in Virginia and Maryland offered $5.– a month for your labour, but it was indignantly rejected by Gen'l Howard, the Commissioner for the government."

These are the expressions, as far as I can remember, without having made notes at the time.

The excitement with the congregation was immense, groups were formed talking over what they have heard, and ever and anon cheers were given to some particular sentence of the speech. . . .

My opinion of the whole affair is that major Delany is a thorough hater of the white race and excites the colored people unnecessarily. He even tries to injure the magnanimous conduct of the government toward them, either intentionally or through want of knowledge. . . .

He openly acts and speaks contrary to the policy of the government, advising them not to work for any man, but for themselves.

The intention of our government, that all the men should be employed by their former masters. as far as possible, and contracts made between as superintended by some officer empowered by the government.

He says it would be old slavery over again, if a man should work for an employer, and *that* it must not be. . . .

The mention of having two hundred thousand men well drilled in arms:—does he not hint to them what to do?; if they should be compelled to work for employers?

In my opinion of this discourse he was trying to encourage them to break the peace of society and force their way by insurrection to a position he is ambitious they should attain to.

I am Major,
Very Respectfully,
Your obedient servant,
(signed) Edward M. Stoeber
1st Lieut 104th U.S.C.T.

Report of Lt. Edward M. Stoeber, National Archives, 24 July 1865, Record Group 94.

Document K

Is Labor Legal Property?

Joseph Hall, a white resident of Prince Frederick, Maryland, wrote to the Freedmen's Bureau on behalf of a freedwoman who was jailed for encouraging her son to leave his employer.

Prince Frederick [Md.] September 14' 1865

General Howard or those having charge of freedmen at Washington DC. I have been Called upon by Rindy M Allen the bearer of this. [She asked] me to state to you her condition and situation in regard to her children which is as follows.

She has a boy which she had hired [out] last Christmas for which she was drawing wages. . . .the boy was clothed and fed, but it seems sometime after the boy was hired out by his mother that Ira Young, her former master complain[ed] to the orphans court and the said court bound the boy to him [Young]. The boy stayed with his employe- about a month. Young then replevys [i.e., recovers under a writ of replevin, a legal action to regain property wrongfully taken.] the boy and the justice or something in shape of a human being called a Justice of the Peace decided that the boy was the property of Young. Notwithstanding it was proved on trial that the boy was hired out by his mother and she [was] getting wages for him. This man Young treats the boy worse than a dog [ought] to be treated. He neither feeds or clothes the boy. He does not get half enough to eat and no clothes but what his mother give him.

Some time ago the boy left Young and it was some weeks before he could find him. But he found him at last and on last Sunday Young with two others found out where the boy was at and carried him home again and whipped him—the boy in an unhuman manner and still has him yet. . . . I have stated in a former letter it is no use to appeal to the law here to have justice done in any case where a colored person is to have or ought to have [their] rights under the law. Nor can it [appealing to the law] ever be any use as long as we have the officers that we now have. I suggested in a former letter an establishment of a military court which is the only way that justice can be done here now. As I before stated that the colored people in this county can and would do very well if they can have what they ought to have. That is to get their children unbound or restored to them and have the privilege of hiring them or working them themselves in order that they can help now to support their parents in order that they may not become a burden on the government . . . they might . . .be a use to themselves and to a great many white people who will hire them and give them good wages . . . so all would be benefitted. The colored people ask of me to say that they ask the favor to interfere [on] their behalf or

appoint some person to do so in order that they may be settled and know what to do. It may be that some person . . . may state that what is stated here by me is not so but all I ask is an examination and you will find what I have stated is not as bad as it is. It is to [be] hoped that something will be done to have this matter investigated. As I have stated any information wanted concerning this affair can be had by addressing Joseph Hall at this place.

I forgot to state that this woman Rindy is now held [on] bail for court to be tried in about two weeks for persuading this boy to leave Young which she never did. But I would not be surprised if she will be convicted because she probably may not able to have justice done her when she is not even guilty of any offense. So you may know how justice is administered here in this den of treason.

Yours Truly

Joseph Hall

Please answer this.

Spelling in the above documents has been changed to conform with conventional standards.

Berlin, Ira, et. al., *Free at Last: A Documentary History of Slavery, Freedom, and the Civil War* (New York: The New Press, 1992), pp. 376-378.

Document L

Military Enforced Labor Policy in Louisiana (1865)

Just before the conclusion of the war, a mass meeting of freed persons in New Orleans protested the labor policies initiated by General Nathaniel Banks and continued by his successor, General Stephen Hurlbut. Freed persons argued in their petition to General Hurlbut that the military's restrictions denied them freedom of choice. Hurlbut's response tried to justify the military's position.

New Orleans March 21st 1865

General

At a mass meeting of the colored Citizens of New-Orleans, held at the Economy Hall on Friday March 17th 1865. The following resolutions, were passed unanimously. And the undersigned were appointed to forward a copy of the resolutions to you, for your consideration.

Resolutions

Whereas: The labor system established by Maj. General Banks—which does not particularly differ from slavery, except by the interdiction from selling and whipping to death, the laborers—was only intended by its promoter to be a temporary one.

Whereas: Some enlargement of the liberties of the laborers was contemplated to gradually take place, and were ready to be introduced unless Emancipation be a by-word. and the boon of freedom a falsehood intended to deceive the world. and

Whereas: An abridgment of the liberties of the black, will have for effect, the strengthening of the hands, of the enemies of our beloved country, who have been asserting for several years, that the emancipation movement at the North was a sham, that the United States' government was not in earnest, on the abolition question, and did not intend to treat the negro better than the southern slaveocrats do. thereby damaging before the world, the honor and the social cause of the American Union, and

Whereas: There is no practical liberty for the laborers, without the right of contracting freely, and voluntarily, on the terms of labor and

Whereas: The right of traveling is guaranteed by the National Constitution, to all Citizens, and any particular restriction put upon any particular class of Americans, on account of color, is unconstitutional. and

Whereas: Equal taxation, and reciprocal obligations between all classes of citizens, are the natural consequences of equality before the law. and have become the recognized principles of all liberal governments: and

Whereas: Congress has discountenanced the growing interference. with the rights and privileges of the Freedmen, by refusing during two successive sessions, the proposed organization of a Freedmen's Central Bureau and

Whereas: A liberal policy can only be conceived and carried out by men of liberal spirit and progressive tendencies. Be it therefore

Resolved: That the right of the employee to freely agree and contract, according to his best judgment, with his employer, for the term of labor is the unquestionable attribute of every freeman.

Resolved: That as friends of freedom, equal rights, and liberty, we enter our protest against every restriction put on the traveling facilities on account of color.

Resolved: That we denounce, to the world, the attempts and wishes of the former slave owners to transform, the boon of Liberty, solemnly offered to the American Slaves into a disguised bondage.

Resolved: That while we are prepared for any sacrifice dictated by philanthropy and patriotism we earnestly protest, against any tax imposed on account of color.

Resolved: That it is highly important to institute, in this City a tribunal of Arbitrators composed partly of Freedmen, to decide in the simplest, but in the most equitable way the cases of appeal from the decisions rendered on matter of labor; by the Provost-Marshals—of the parishes.

Resolved: That we consider the existence of a Bureau of Free-labor as inconsistent with freedom. and we pledge ourselves, to use our most active efforts. to have it abolished by the proper authorities, in order to make room for complete freedom.

Resolved: That new ideas want new men, that the past has shown, that we cannot expect any decided progress, in the conduct of labor, so long as superintendent Thomas W. Conway remains at the head of the Bureau of free Labor of Louisiana.

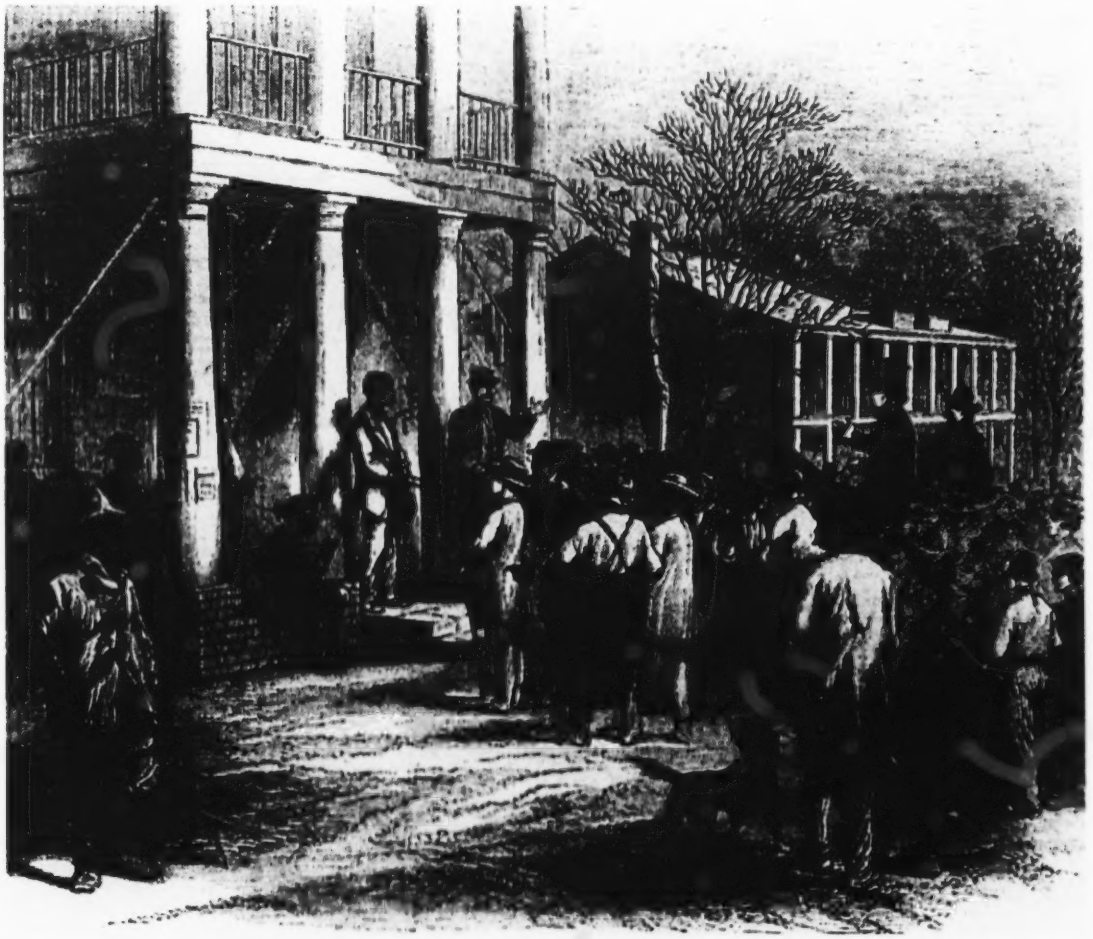
Document L

Resolved: That it is shall be the duty, of the Officers, of this meeting to respectfully transmit the above preambles and resolutions, to the Commanding General of the Department of the Gulf, and to have published in the New-Orleans Tribune in French and English, and in the liberal press throughout the North.

General
You will please give an answer to this communication at your earliest convenience.

The undersigned can be addressed at No 82 Baronne street.
We are General Respectfully Your Obedient Servants

James H. Ingraham.
Dr. A. W. Lewis
Committee



Selling a Freeman to Pay His Fine, Monticello, Florida
Frank Leslie's Illustrated Newspaper, January 19,1867

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Response of General Hurlbut

New Orleans March 23rd 1865.

Gentlemen,

Your Communication of 21st March has been considered by me.

It consists of Preambles that do not state facts and resolutions that are based upon false views. I hope you have been led into these misstatements by error rather than willfully, although I can scarcely believe you could have been so singularly misinformed.

If instead of assembling in Mass meetings and wasting your time in high sounding Resolutions you would devote Yourselves to assisting in the physical and moral improvement of the Freedmen you would do some practical good. As it is, you do not in any respect represent the "Emancipated Freedmen of Louisiana," nor are you doing their cause any good. The Mass Meeting which you claim to represent was not composed of "Freedmen" but of the Free Colored People of New Orleans free by the Old Laws of the State, and some at least of them in the old system themselves slave holders.

Between them and the "slaves" there was always and is now bitterness of feeling. You are striving for social equality, they for personal freedom. The first is not a thing that can be reached by laws and orders but can only come from the social tastes prejudices or inclinations of the people where you live; the Second is the Creature of Law and can be secured by the sanctions of Law.

Your Statement that tile condition of the Freedmen is but little better than slavery is notoriously untrue, and I believe you know it.

I believe that you have willfully inserted in your resolutions for publication statements that you must know to be baseless.

The Freedmen is paid for his labor, The slave is not.

The Freedman's wife and family are his—The Slave's are not.

Free Education is given to the Freedman and his children. To the slave it is forbidden.

Document L

The Freedman can bring suits and he a witness—The slave cannot.

These things you know to be true and yet your falsify and deny these great facts.

You know further perfectly well that without some supervision on the part of the United States these freedmen would be cheated of their labor, induced into contracts that would ruin them and even if fair contracts were made would be uncertain as to their fulfillment. You know this because you have seen it, because you have reported it, because you have ask for the assistance of military officers to remedy it. You also know that as a rule these payments have been enforced by the military authorities rigorously and that many a hard working man now has his money that otherwise would have been robbed of his dues.

These results can only be obtained by control and supervision of the contracts by the Government officers. There must be some tribunal to ascertain and secure these rights. Freedmen may make contracts as they please, but the contract must be approved and registered and will be so done unless manifestly unfair to the Laborer.

This is provided for in General Orders No. 23 [issued by General Hurlbut governing plantation labor]. If they do not make such contract they can adopt that made by the terms of the order.

They cannot be allowed to lie around doing nothing, because then" they become paupers and thieves and fall upon the Government for support.

The freedmen and the planters are charged a Capitation Tax, two dollars to the Planter, one to the hand to aid in supporting the disabled and helpless.

I have never heard of an industrious working man who objected to it.

Are you willing with your knowledge of Society here to have the military officers withdraw all control and leave these questions of labor of freedom and of rights to such Civil authority as exists in this State.

You well know that you are not? For I receive constant complaints from you in relation to invasion and neglect of your rights.

You cannot do away with the effects of two centuries of wrong upon White and Black in a day or a year, you must take time and slow processes of education to root out such prejudices and habits of thought.

It is more than probable that an entire generation must grow up under new auspices before all this ill effect can be done away.

You must wait and work. Not call meetings and pass resolutions but work faithfully and slowly to educate the public mind both of whites and blacks, for the future.

It is true that this system prescribed in order of General Banks, and continued by me is temporary to be succeeded in its turn by other step of progress.

Whenever the time comes in which the Freedman can safely appeal to society and the Civil Courts for his rights when invaded this military supervision will cease. I do not believe that this time has yet come.

No one will rejoice more than I when it shall come.

Until then under some form or other their paramount rights of living and of education will be secured to them under the best plan that experience shall devise. and under such control as to officers as the United States may determine.

I differ Entirely from you as to Mr. Conway and consider his services valuable and therefore retain him.

I consider your proposal of a mixed Tribunal of arbitration impracticable and decline to establish it.

I shall however forward your communication and this reply to the Secretary at War to be laid before proper authorities.

Of course I shall be glad to have your assistance as far as it may go in advancing the "condition of the Laborers," but in as much as you are not responsible for your acts and I am for mine, I shall not change a system adopted without facts and reasons satisfactory to my mind.

Very Respectfully

S A Hurlbut

Spelling in the above documents has been changed to conform with conventional standards.

Ira Berlin, *Freedom: A Documentary History of Emancipation, 1861-1867, Series I, Vol. III The Wartime Genesis of Free Labor: The Lower South* (New York: Cambridge University Press, 1990), pp. 594-98.

Lesson Three: Education for All

A. Objectives

1. To identify the problems encountered in establishing free public education during Reconstruction.
2. To examine the desire of freed men and women to have educational opportunities.
3. To evaluate the work of "freedom schools."
4. To assess the Freedmen's Bureau long-term policy establishing public education.

B. Lesson Activities (These activities will take approximately 1 day)

Form small groups of 3 to 5 students and provide each with one of the following documents:

Document M: "Education in the South" (Carl Schurz)
Document N: "The Freedmen's Bureau and Education" (O. O. Howard)
Document O: "Freedom Schools in South Carolina" (Charlotte Forten)
Document P: "Appeal for a School for Black Soldiers" (Sergeant John Sweeny)
Document Q: Miscellaneous Records of the Superintendent of Education for Virginia
Document R: "Report on the Status of Schools in Virginia" (R. M. Manly)

Have each set of students list the major points of their particular document and report this information to the entire class. Hold a general discussion focusing on these questions:

1. What methods were used to halt or hinder public education in the post-war South?
2. What was the role of benevolent societies in the education of freed persons?
3. How did Black soldiers, adults, and the children of freed persons respond to the Bureau's education initiative?
4. Did the Bureau appropriate adequate funds for the establishment and continuation of public schools? Explain.
5. Why was there a clash of interests between black educational initiatives and planter opposition to a state supported system of universal education?
6. How might a strong public school system for all citizens hasten the state's economic recovery?

Have students write an evaluative essay or debate the proposition that a system of public education was the Bureau's greatest achievement.

EDUCATION IN THE SOUTH
SCHURZ'S REPORT ON THE CONDITION OF THE SOUTH
December 1865

General Carl Schurz painted a bleak picture of educational opportunities for freed persons in his Report on the Condition of the South.

> . . . Some planters thought of establishing schools on their estates, and others would have been glad to see measures taken to that effect by the people of the neighborhoods in which they lived. But whenever I asked the question whether it might be hoped that the legislatures of their States or their county authorities would make provisions for negro education, I never received an affirmative, and only in two or three instances feebly encouraging answers. . . . Hundreds of times I heard the old assertion repeated, that "learning will spoil the n— for work," and that "negro education will be the ruin of the south." Another most singular nation still holds a potent sway over the minds of the masses—it is, that the elevation of the blacks will be the degradation of the whites.
>
> The consequence of the prejudice prevailing in the southern States is that colored schools can be established and carried on with safety only under the protection of our military forces. . . . There may be a few locations forming exceptions, but their number is certainly very small. . . .
>
> In the letter of General Kirby Smith occurs the following statement referring to the condition of things in Mobile, Alabama: "Threats were made to destroy all school-houses in which colored children were taught, and in two instances they were fired. The same threats were made against all churches in which colored people assembled to worship, and one of them burned. Continued threats of assassination were made against the colored preachers, and one of them is now under special guard by order of Major General Woods."

Schurz Report on Condition of the South, 39th Congress, 1st Sess., Senate Executive Document No. 2 (Dec. 19, 1865).

Document N

THE FREEDMEN'S BUREAU AND EDUCATION
GENERAL OLIVER OTIS HOWARD

In his autobiography General Howard wrote of the establishment of schools through the efforts of the Freedmen's Bureau and noted the accomplishments the Bureau achieved in education. The following excerpt for Howard's autobiography includes a quotation from a circular he issued on May 19, 1865 regarding the education of freed persons.

> The many benevolent organizations of the country . . . gave themselves vigorously to the teaching of children and youth and the planting of schools. . . .
>
> . . . [T]he first important circular issued from headquarters May 19, 1865 . . . announced well-defined principles of action. . . . "I invite . . . the continuance and cooperation of such societies [benevolent and religious organizations]. I trust they will be generously supported by the people, and I request them to send me their names, list of their principal officers, and a brief statement of their present work. . . . The education and moral condition of these (the freed) people will not be forgotten. The utmost facility will be afforded to benevolent and religious organizations and State authorities in the maintenance of good schools for refugees and freedmen until a system of free schools can be supported by the recognized local government. . . ."
>
> Let me repeat, that in all this work it is not my purpose to supersede the benevolent agencies already engaged in it, but to systematize and facilitate them.-
>
> The next step after public announcement was to introduce in the field some practical systematic arrangement. So much overlapping and interference one with another were found among the workers that I hastened to appoint a school superintendent for each State. He was generally a commissioned officer detailed from the army and placed under the direct authority of the State assistant commissioner of the Bureau. The majority of the schools throughout the South were elementary. They were more flourishing in those localities which had been for six months or more within the lines of our armies. After peace many Government schools were added to those of the benevolent societies, being brought into existence by Bureau officials. These were self-supporting from the start. The educational work was in every way helped by the extraordinary ardor of the pupils and the enthusiasm of the teachers, fed by the societies behind them who at this time voiced the generous devotion of benevolent people every where. Yet the ruling classes among the Southern whites were deeply offended. They said at first: "If the Yankees are allowed to educate the negroes as they are now doing, the next thing will be to let them vote." No one can describe the odium that awaited the excellent,

self-denying teachers of freedmen in those days. Our first official summary of these schools declared that: "doubtless the treatment to which they, the teachers, have been subjected is due in part to the feelings engendered by war, but it is mostly attributable to prejudice against educating the blacks, and the belief that the teachers are fostering social equality." Even then, however, there were notable exceptions to this opinion and conduct in the South. Some prominent Southern men earnestly advocated the introduction of schools, and several Southern churches established them in connection with their own organizations. The entire number of pupils in the schools for freedmen at the close of 1865 in the States that had been in insurrection, adding Missouri, Kentucky, Maryland, and the District of Columbia, amount to 90,589; teachers 1,314, and schools 740. . . . The Bureau gave transportation to teachers from their homes to the field and back during the necessary vacations. It also carried all their books and furniture, and to a considerable extent while the abandoned property remained available, provided buildings for the dwelling places of teachers and for the schools themselves. I early came to the conclusion that our school work was best promoted by placing one dollar of public money by the side of one of voluntary contribution. The Bureau gave to any benevolent society in that proportion. The society which undertook the most in that manner received most.

President Johnson's restoration of estates, however, which we have already noticed, soon caused schoolhoues, churches, and many private residences to be severed from our use. One inspector wrote that our admirable system of education well inaugurated must fail unless permanent real estate for the freedmen and the schools could in some way be secured. The benevolent societies were ready to erect their own buildings if we could furnish them lots on which to build. This disposition helped us finally to great results.

Oliver Otis Howard, *Autobiography of Oliver Otis Howard, Major General, United States Army, Vol. 2* (New York: Baker & Taylor, 1907), pp. 268-71.

Document O

FREEDOM SCHOOLS IN SOUTH CAROLINA

Soon after Union forces captured the Sea Islands off the South Carolina coast in 1861, Charlotte Forten, a free African American woman from Philadelphia, arrived at Port Royal and helped to establish schools throughout the Sea Islands. Writing in the May and June 1864 issues of the *Atlantic Monthly*, Forten described her experiences as a teacher.

> . . .The school was opened in September. Many of the children had, however, received instruction during the summer. It was evident that they had made very rapid improvement, and we noticed with pleasure how bright and eager to learn many of them seemed. . . .
>
> . . . The first day at school was rather trying. Most of my children were very small, and consequently restless. Some were too young to learn the alphabet. These little ones were brought to school because the older children—in whose care their parents leave them while at work—could not come without them. We were therefore willing to have them come, although they seemed to have discovered the secret of perpetual motion, and tried one's patience sadly. But after some days of positive, though not severe treatment, order was brought out of chaos, and I found but little difficulty in managing and quieting the tiniest and most restless spirits. I never before saw children so eager to learn, although I had had several years' experience in New England schools. Coming to school is a constant delight and recreation to them. They come here as other children go to play. The older ones, during the summer, work in the fields from early morning until eleven or twelve o'clock, and then come into school, after their hard toil in the hot sun, as bright and as anxious to learn as ever.
>
> Of course there are some stupid ones, but these are the minority. The majority learn with wonderful rapidity. Many of the grown people are desirous of learning to read. It is wonderful how a people who have been so long crushed to the earth, so imbrued as these have been, —and have so great a desire for knowledge, and such a capability for attaining it. One cannot believe that the haughty Anglo-Saxon race, after centuries of such an experience as these people have had, would be very much superior to them. And one's indignation increases against those who, North as well as South, taunt the colored race with inferiority while them themselves use every means in their power to crush and degrade them, denying them every right and privilege, closing against hem every avenue of elevation and improvement. Were they, under such circumstances, intellectual and refined, they would certainly be vastly superior to any other race that ever existed.

After the lessons, we used to talk freely to the children, often giving them slight sketches of some of the great and good men. Before teaching them the "John Brown" song, which they learned to sing with great spirit, Miss T. told them the story of the brave old man who had died for them. I told them about Toussaint, thinking it well they should know what one of their own color had done for his race. They listened attentively, and seemed to understand. We found it rather hard to keep their attention in school. It is not strange, as they have been so entirely unused to intellectual concentration. It is necessary to interest them every moment, in order to keep their thoughts from wandering. Teaching here is consequently far more fatiguing than at the North. In the church, we had of course but one room in which to hear all the children; and to make one's self heard, when there were often as many as a hundred and forty reciting at once, it was necessary to tax the lungs very severely. . . .

Charlotte Forten, "Life on the Sea Islands," *Atlantic Monthly*, Vol. 13, No. 79 (May 1864), pp. 589, 591-2.

Daughter Teaching Her Mother to Read
National Museum of American History, Smithsonian Institution

Document O

. . . Christmas night, the children came in and had several grand shouts. They were too happy to keep still.

"Oh, Miss, all I want to do is to sing and shout!" said one little pet, Amaretta. And sing and shout she did, to her heart's content.

She read nicely, and was very fond of books. The tiniest children are delighted to get a book in their hands. Many of them already know their letters. The parents are eager to have them learn. They sometimes said to me,—"Do, Miss, let de chil'en learn eberyting dey can. We nebber had no chance to learn nuttin', but we wants de chil'en to learn."

They are willing to make many sacrifices that their children may attend school. One old woman, who had a large family of children and grandchildren, came regularly to school in the winter, and took her seat among the little ones. She was at least sixty years old. another woman . . . came daily, and brought her baby in her arms. It happened to be one of the best babies in the world, a perfect little "model of deportment," and allowed its mother to pursue her studies without interruption.

. . . Daily the long-oppressed people of these islands are demonstrating their capacity for improvement in learning and labor. What they have accomplished in one short year exceeds our utmost expectations. Still they sky is dark; but through the darkness we can discern a brighter future. We cannot but feel that the day of final and entire deliverance, so long and often so hopelessly prayed for, had at length begun to dawn upon this much-enduring race. . . .

While writing these pages I am once more nearing Port Royal. The Fortunate Isles of Freedom are before me. I shall again tread the flower-skirted woodpaths of St. Helena, and the sombre pines and bearded oaks shall whisper in the sea-wind their grave welcome. I shall dwell again among "mine own people." I shall gather my scholars about me, and see smiles of greeting break over their dusk faces. My heart sings a song of thanksgiving, at the thought that even I am permitted to do something for a long abused race, and aid in promoting a higher, holier, and happier life on the Sea Islands.

Charlotte Forten, "Life on the Sea Islands," *Atlantic Monthly*, Vol. 13, No. 80 (June 1864), pp. 667, 676.

Appeal for a School for Black Soldiers

John Sweeny, a Black sergeant from Kentucky, wrote to the Freedmen's Bureau requesting that a school be established for soldiers in the ranks. The Bureau acknowledged the letter, replying "Will send Teacher as soon as possible."

Nashville Tenn October 8th 1865

Sir:

I have the honor to call your attention to the necessity of having a school for the benefit of our regiment. We have never had an institution of that sort and we stand deeply in need of instruction, the majority of us having been slaves. We wish to have some benefit of education to make of ourselves capable of business in the future. We have established a literary association which flourished previous to our march to Nashville. We wish to become a people capable of self support as we are capable of being soldiers. My home is in Kentucky where prejudice reigns like the mountain oak and I do lack that cultivation of mind that would have a tendency to cast a cloud over my future life after have been in the United States service. I had a leave of absence a few weeks a go on a furlough and it made my heart ache to see my race of people there neglected and ill treated on the account of the lack of education being incapable of putting their complaints or applications in writing for the want of education [and] totally ignorant of the great good workings of the government in our behalf. We as soldiers have our officers who are our protection to teach us how to act and to do. But Sir what we want is a general system of education in our regiment for our moral and literary elevation. These being our motives, we have the honor of calling [for] your very high consideration.

Respectfully Submitted as your Most humble servt

John Sweeny

Spelling and punctuation have been changed to conform with conventional standards.

Ira Berlin, ed., *Freedom: A Documentary History of Emancipation 1861–1867: Series II, The Black Military Experience* (New York: Cambridge University Press, 1983), p. 615.

Document Q

SUPERINTENDENT OF EDUCATION FOR VIRGINIA
MISCELLANEOUS RECORDS

The following records of the Virginia Superintendent of Education provide a glimpse of the pressing matters pertaining to schools and are typical of those of other southern states. These documents give an insight into the building, financing, and inspection of schools.

July 26, 1865

Capt. S. P. Lee
Sub. Asst. Com.

Dear Sir:

In reference to the application for aid in building a school house at Manassas, Gen. Brown directs me to address you directly to say that in the absence of any evidence that a school will be maintained at any point he cannot make appropriations for school houses. So far as I have any evidence it is very uncertain at what points (with the exception of a few teaching policies) schools will be supported next year.

I suggest that the Bureau officers and the local parties interested make direct application of the New England Branch F.U. Com. to know if they will send a teacher. When that ass'n or any other pledges a teacher an appropriation will be made.

Very Respectfully
R. M. Manly
Supt. of Education

Records of the Superintendent of Education for the State of Virginia, 1865–1870, Bureau of Refugees, Freedmen and Abandoned Lands, RG 105, Reel 1, National Archives.

Undated Letter, probably Sept. 7, 1869

R. M. Manly, State Superintendent of Education, Virginia
to R. H. Dennis

> . . . The law creating the Bureau contemplates that it will act in connection with the charitable associations & says expressly that it shall "cooperate with them" & does not provide for any other method of operation. Monthly rent of $10 [from schools] goes directly to associations.

In a letter to raise funds, dated November 4, 1869, Superintendent Manly wrote:

> . . . I am positively forbidden, by the order under which I act, to build school houses until it appears that a school will be supported. [He further noted that the people of the community were expected to board their teachers.]

Circular No. 17

Bureau of Refugees, Freedmen and Abandoned Lands
Head-Qrs. Assistant Commissioner,
District of Virginia, Richmond, Va.
Dec. 20, 1867

Assistant Sub-Assistant Commissioners and Agents of this Bureau will hereafter make a careful PERSONAL inspection of all Freedmen's Schools within their respective Divisions at least once in two months, and make a special report of the condition of each School. This inspection and report will not only cover the Schools supported by the benevolent societies of the North, but will include ALL private independent Schools for Freedmen, whether taught by Freedmen or white persons.

O. BROWN,
Bvt. Brig. Gen. Vols.
Assistant Commissioner

Records of the Superintendent of Education for the State of Virginia, 1865–1870, Bureau of Refugees, Freedmen and Abandoned Lands, RG 105, Reel 2, National Archives

Document Q

Letter requesting a Schoolhouse for the Freedmen

Bureau of R. F. & A. L.
Office of U.S.A. Comm. 2a D 10 S D Va
Manassas Va.
March 25 1868

Bvt. Lt. Col.
S. P. Lee USA
Sub Asst Comm. 10 S D Va

Colonel

I have the honor to request that the sum of $100.00 be appropriated for the purpose of assisting in the erection of a School house for the use of the Freedmen at Buckland in Prince William Co. This School will be self sustaining and will have about 40 scholars. The Union League promised $150.00 towards the building. Mrs. Maria Chappell will give the land for the purpose. I believe this one of the best locations for a School in this county and earnestly request that the above sum may be provided by the Bureau.

Despite the scattered instances of open violence & a general opposition to freedmen's schools & their teachers, the school program thrived & expanded. Opening in Oct.,1865 with 67 schools, 136 teachers, & 8,528 pupils, by March, 1866, there were 145 schools, 225 teachers & 17,589 pupils. A report in April reveals that the American Missionary Association was supporting 53 teachers, the New York Nat[iona]l Freedmen's Relief Association, 36; the New England Freedmen's Aid Society, 20; the Baptist Home Mission Society, 24; the True Friends Society of Philadelphia, 49; & the Episcopal Missionary Society, 5. 29 teachers & 1,057 pupils were in self-supporting schools.

Records of the Superintendent of Education for the State of Virginia, 1865–1870, Bureau of Refugees, Freedmen, and Abandoned Lands, RG 105, Reel 7, National Archives.

Records of the Superintendent of Education for the State of Virginia, 1865-1870, Bureau of Refugees, Freedmen, and Abandoned Lands, RG 105, Consolidated Report for Schools, April 1866 of Superintendent, Reel 5, National Archives

Report on the Status of Schools in Virginia

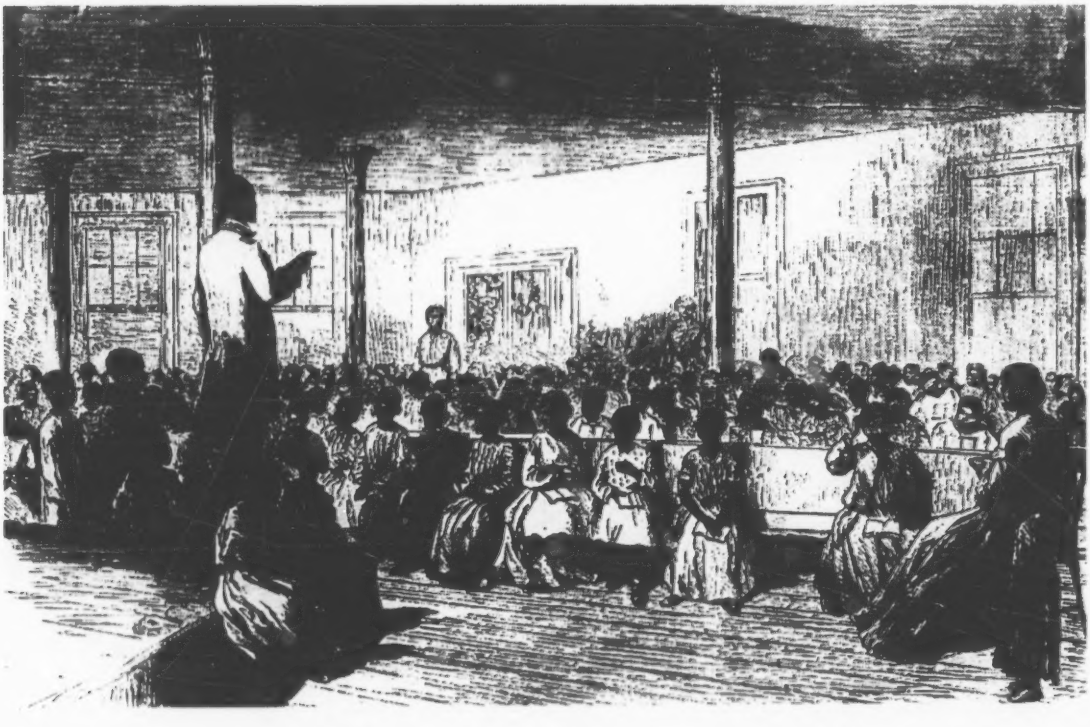
R. M. Manly, Virginia's State Superintendent of Schools, reported to the Bureau's General Superintendent, Henry Alvard, that between January and June, 1869, Virginia schools had the highest attendance with 181 white teachers and 173 African American teachers. Manly concluded his report:

> . . . The long delay in the political reconstruction of the State still leaves the schools dependent upon foreign aid. Probably there is not another southern State in which the ruling class have such a poor opinion, not only of public free schools, as a meaning of education, but of education itself.
>
> . . . The State has, however, taken one step forward. The new Constitution with its public free schools system which has been standing on the table of the sick man for 15 months— nausceous [sic] but wholesome drought—has just been swallowed, not willingly it is true, but angrily and ruefully. The patient's dislike for the medicine and hate for the doctor that compounded it, may retard and somewhat modify the effect of the dose, but cannot destroy it. Ample provision is made in that instrument for the gradual introduction & permanent support of a comprehensive system of public free schools. The wealthy & aristocratic will oppose & retard the movement, but it will certainly go forward until the free school shall be as common, as excellent and as honored, as before the war, it was scarce and contemptible.
>
> . . . The number of native white Virginians opening colored schools or seeking employment is considerable. These are generally women in reduced circumstances or broken down school masters—persons already sufficiently humbled to be willing to earn their necessary bread by teaching colored children. While such teachers are not the best, they are better than none for children who are as yet entirely untaught. As far as possible the superintendent will reach these schools and endeavor to improve them.
>
> . . . Not less than 50 thousand of the late slave population of this State have learned to read and write. More than three hundred are in Normal Schools—many who three or four years ago did not know the alphabet are acceptable teachers. Many are pursuing advanced studies at home and abroad. Youth is the instructor of age. I have seen a little colored girl of ten years, reading fluently and intelligently leading editorials of a city daily from the bulletin board to a group of eagerly listening gray haired men and women whose hearty and appropriate responses told that they appreciated the thought of the writer as well as the miracle the child was working by translating the unmeaning type matter to their comprehension.

Document R

. . . The schools have been the principal cause of the hopefulness and patience with which they [freed persons] endured the hunger, the nakedness and managed the wrongs of their transition state. Their churches have been great gainers in an increasing demand for minutes of better qualifications and a softening of the extravagances of their forms of worship. The schools have developed self respect and a desire for permanent homes and the comforts and decencies of life.

Records of the Superintendent of Education for the State of Virginia, 1865-1870, Bureau of Refugees, Freedmen, and Abandoned Lands, RG 105, Reel 4, National Archives.



Zion School, Charleston, South Carolina
Library of Congress

Lesson Four: Evaluating the Bureau

A. Objectives

1. To evaluate the effectiveness of the Freedmen's Bureau.
2. To determine the Bureau's successes and failures.

B. Lesson Activities (1-2 days)

Divide students into two groups. Provide one group with copies of Marcus Hopkins' Report (**Document S**) and the other group copies of William Sharkey's testimony before the Joint Committee on Reconstruction (**Document T**).

Once the documents have been read, arrange students in two concentric circles facing each other. Each person in the inner circle matches up with someone in the outer circle to work together analyzing their documents and asking each other questions relevant to the material. Students indicate similarities and differences within the documents and determine which aspects of the documents with which they most agree and justify their positions. Students should address the question, How free were "freed persons?"

For additional summaries of Freedmen's Bureau activities refer students to Donald S. Nieman, *To Set the Law in Motion: The Freedmen's Bureau and the Legal Rights of Blacks, 1865–1868*, pp. 204–05 and 221–22; and William McFeeley, *Yankee Stepfather: General O. O. Howard and the Freedmen*, p. 320. For additional testimony before the Joint Committee on Reconstruction have students read documents in Hans L. Trefousse's *Background for Radical Reconstruction*.

Student pairs volunteer to express their final judgments about the Bureau to the entire class by roleplaying a panel of a congressional committee of inquiry reporting to the public.

Conclude with all students writing a 3–5 page evaluative essay in which they may utilize any or all of the documents studied in these lessons for support to decide whether or not the Bureau was a catalyst for freedom.

Report on the Freedmen's Bureau
Marcus S. Hopkins, December 31, 1868

As the Bureau is about to be partially discontinued, and this is the last report I shall be called upon to make as one of its officers, I deem it proper to note briefly some of the results of its establishment that appear within the limited extent of my jurisdiction, at this, the end of three years of my employment in its service. I desire to do this especially, as in looking at the present condition of the freedmen and their relations with the whites, so much of imperfection and evil is seen, so much to improve and reform is presented, so great the work yet to be done and so long the time yet to wait is felt to be, that one is apt to lose sight of the beginning, and thus fail to appreciate what has already been accomplished in the great and arduous undertaking of converting slaves into useful citizens, and slaveholders into respecters of the rights of their fellow men. It is only by recurring to the condition in which I found this section of Va. in 1865, and by comparing the features that were then prominent with those of the present time, that the true results of the work of the Bureau appear. To do this I will confine myself to a few points, first with respect to the blacks, and then with respect to the slaveholding whites; for the effect of the Bureau work is not less visible upon one class than upon the other; and I may add is not less needed or difficult to accomplish. The only class which seem almost unaffected by its great benevolences and its bold reform in my section is that pitiable class of poor whites who do not learn that they too are now free, and still cling to their old masters long after their fellow slaves the negroes have left them in body and spirit.

The manners of the blacks in 1865 in the country were generally those of "run-a-way slaves," very abject and fearful in the presence of the white master class, and very joyous and affectionate in the presence of the friends of the Govt. whom they looked upon as deliverers and guardians. Consequently they flocked to cities and towns out of vague fear and hope and felt assured by the visible presence there of the power of the Gov't., and by their own numbers. They were quite unsettled, but not so much so as any other race in the world would have been. They were peaceful, seldom ever resisting when attacked, so abject had the terrible discipline of slavery made them. They either worked for nothing or else upon the promise of very inadequate wages then and the succeeding year. They received vastly less than the little they were promised and rations and clothing had to be issued to thousands. Few who earned money knew how either to judiciously spend it or to wisely save it. The gratifications of children were all they sought and they took no thought of morrow. Almost all—men, women, and children—were to the last degree ignorant and superstitious. The family relation was slightly regarded and there was little pride of character either in men or women. Truth and honesty were rare indeed

among them. Lying and petty thieving were the common habit if not the very luxury of their existence so natural are these vices to slaves.

Now their manners, though still generally abject, are much less so, (especially those of the children) but not less polite. Now they are more settled, industrious, and ambitious. Now they will generally resist when attacked, if not with blows yet with words. Now they receive better wages and take care of them better. Some of them have purchased homes with the proceeds of their labor and most of them aspire to. Families have been gathered together and the relations of Husband and wife and of parent and child are better understood and more faithfully observed. The comforts of home are felt and sought. The value of character is more appreciated and there is beginning to appear something of honest pride and manly integrity among them. There are many schools and sabbath schools all well attended and most promising. Large numbers of adults have learned to read and write. Never did children learn faster. Many have become teachers. Everywhere they do more or less to support their schools. Their preachers give some attention to the enforcement of practical morality in their churches. Various societies for the promotion of temperance, charity, schools, and politics have been established. In short in all respects benighted as they still are they have advanced wonderfully toward civilization and enlightenment from their condition on my first view of them three years ago.

In 1865 the Slaveholding whites were still maintaining undiminished, their spirit of absolutism toward the blacks. Whippings in the country if not in the cities immediately under the eye of the military were frequent. The worst class of outrages and even murders often happened. Conventions and neighborhood assemblages were held to fix starving rates of wages. No redress was granted a negro by the courts for any injury done him by a white man, and it was next to impossible for him to collect his meager earnings through these tribunals. He was not allowed to testify or to vote. None would sell him land. Everywhere came the cry from idle white men that the negro would not work and there was apparently the most obdurate determination to make his new state of freedom worse for him than his old state of slavery.

Now all these features are modified for the better. I seldom hear of whippings or other outrages; and when they occur at least a pretense of legal redress is shown, which was not in '65. There is no concerted attempt to keep wages below a living rate, and sometimes they can be collected in court when due. Lawyers will now generally take freedmen's cases when assured of their fee, merchants seek their patronage, and farmers will sell them land at only a little more than they ask white men. There is less opposition to the Freedmen's schools and Sunday schools are

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often taught by the slave-holding class. White men, having wholly abandoned the idea of ever reenslaving the negro and having rested on the theory that Providence will somehow put him out of the way after a while, have gone to work in good earnest themselves, and instead of cursing the Bureau many of them now regret its discontinuance. Thus a comparison might be continued through all the numberless phases of life among the whites and blacks here, and in every one the close observer will see that progress has been made, that beyond the darkness, and sin, and woe of their present civilization, a more hideous blackness, a deeper wall, and a more dreadful wickedness appears through the vista of only three years back to 1865. In the light of these facts the Christian philanthropist perceives in the much abused Bureau one of those great successful national works for the amelioration of the condition of mankind which mark epochs in history and constitute the visible steps by which we are enabled to trace human progress. I consider it a great error that it was not continued in full operation until this State shall be reconstructed. I observe already in the freedmen a feeling of apprehension at its withdrawal, which is the only change since my last report.

Report, December 31, 1868, Box 681, Bureau of Refugees, Freedmen, and Abandoned Lands, RG 105, National Archives.

Burning of a Freedmen's Bureau School, Memphis, Tennessee
***Harper's Weekly*, May 26, 1866**

Testimony of William Sharkey
Joint Committee on Reconstruction

President Andrew Johnson appointed William Sharkey, a noted Mississippi jurist who had opposed secession, governor of Mississippi in June 1865. When an elected government took over in October, Sharkey was selected to serve in the U.S. Senate. Because of congressional opposition to Johnson's readmission policy, the senate refused to seat Sharkey. In the following passage Sharkey, questioned by Representative George S. Boutwell of Massachusetts, expresses his views of the assimilation of freed persons in Mississippi.

Mr. Boutwell:

What is the general condition of the freedmen in Mississippi? Are they disposed to labor, and are they laboring and receiving fair wages?

Gov. Sharkey:

I can give an accurate account of that matter, as I have had very authentic reports. They have gone to work with a great deal of good will, and in most parts of our state they are hiring freely and cheerfully. I have received a letter from a very intelligent gentleman, a friend of mine, who states that in his part of the state the freedmen are going to work, and the people are hopeful and expect a return of prosperity; that there was not a discontented man in his particular locality; that they had given up the idea of secession, buried it out of sight, and never wish to hear of it again. The freedmen, as I hear from all parts of the state, are doing remarkably well. I have heard from one of the northeastern counties of the state, in which it is said there is not an idle freedman. However, there is no disguising the fact that the Freedmen's Bureau and the colored troops there have done more mischief than anything else. General Howard is a very clever gentleman; but there are men in charge of the Freedmen's Bureau in Mississippi who are disposed to speculate on white and black; they encourage the black man and discourage the white man. And wherever there is a Negro garrison the free Negroes congregate around it, and, as a matter of course, crimes and depredations are committed. I verily believe that if at the time I was there all the troops and the Freedmen's Bureau had been withdrawn, I could have had a perfect state of order throughout the state in two weeks. The great amount of complaints originate from the localities where the Negro soldiers are. I do not say that the Negroes do not make good soldiers, but they encourage the congregation of freedmen around them, and from the freedmen come crime and depredations. As a general thing—there may be exceptions—the freedmen have gone to work; some receiving a share of the crops, and some receiving their wages. And there is a promise of prosperity there; there is a promise that the freedmen will

work; how long it will last I cannot tell. They certainly have gone to work, as a general thing, in the state; and the people are buoyant and hopeful. In some parts of the state the freedmen are receiving exceedingly high wages. Mr. Alcorn, my colleague in the Senate, authorizes me to state that in the river counties—he mentioned one country in particular—if labor could be had, a thousand freedmen could be employed at $25 a month.

Question:

In addition to their board?

Answer:

Yes, sir; board them and furnish them with sugar and coffee, and give them $25 a month over and above their board. He told me that a thousand freedmen could find employment in that one county, if they could be had, and I think that on the Mississippi generally they are getting almost any wages they are pleased to ask.

Question:

What amount of land do you estimate will be under cultivation in Mississippi this year as compared with the amount under cultivation in 1859 or 1860?

Answer:

I can only speak from conjecture. I do not think there will be half the amount cultivated this year that there was just before the war, and I will give my reasons for that opinion. I believe that there are now in the state very little over half the number of freedmen that there were formerly of slaves—certainly not more than two-thirds. They have died off. There is no telling the mortality that has prevailed among them; they have died off in immense numbers. I should say that very little more than half the amount of land that was under cultivation before the war will be under cultivation this year; but that is with me a mere matter of conjecture.

Question:

Does the mortality among the freedmen continue as great as ever?

Answer:

Yes, sir; they have contracted habits and diseases which take a great many of them off. The people are laboring under a great mistake in regard to our attachment to the Negroes. We are all kindly disposed towards them; we are disposed, with few exceptions, to treat them as they should be treated. The poorer classes. who have always had an antipathy to them, still have that antipathy; but a general thing, our people are disposed to treat Negroes well. We were all attached to our slaves, and that attachment has not been broken off, because we think they have acted well. In a great many instances they have shown uncommon fidelity and friendship, and of course we cannot forget those things. Our feelings towards them are of a kindly character, and we want to treat them well, and educate them if we can. . . .

Report of the Joint Committee on Reconstruction, House Resolution No. 30, 39th Congress, 1st Session, 1866, pp. 134-35.

Cartoon by Winslow Homer
***Harper's Weekly*, July 19, 1865**

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